

U.S. Department of Housing and Urban Development
Office of Policy Development and Research
Office of Public and Indian Housing

Together We Can . . .

Meet the Challenge

Winning the Fight Against Drugs



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Winning the Fight Against Drugs

April 1991





Foreword

On January 16, 1990, President Bush and I visited the Charles Houston Community Center in Alexandria, Virginia, to witness the dramatic progress that community has made in ridding itself of drugs, rising crime and despair. Much of the credit belongs to the Alexandria Resident Council (ARC), a cooperative venture of residents and public officials that joined together to create a formidable force against drug pushers and users. Through all-night anti-drug vigils, neighborhood watch security patrols and other resident self-help efforts, ARC has virtually shut down the open-air drug market in the center of the public housing community and forged better, safer living conditions for all Alexandria residents. Impressed by their community spirit and concrete results, President Bush pledged, "We are going to use, in a national sense, the success you have already had to offer hope to communities around the country."

Many public housing agencies (PHAs) and residents throughout the Nation, like those in Alexandria, are winning important battles against drugs and crime by forming tenant management groups that, among other things, work in concert with local police. As one resident manager put it, "The police can't do it all . . . which is why we, the management and the residents, decided that we were going to start fighting the battle ourselves." Neighborhoods such as this one, where citizens are organized and active, are experiencing extraordinary decreases in drug activity.

Major portions of the Administration's dynamic new initiative, the HOPE (Homeownership and Opportunity for People Everywhere) program, passed by Congress as part of the National Affordable Housing Act of 1990, will help to duplicate these anti-drug success stories. Because having a stake in managing or owning a home is vital to winning back and maintaining a safe and vibrant community, HOPE gives public housing residents the chance to own their own homes or apartments. HOPE also targets Federal funds to residents themselves to help provide them with the tools of self-sufficiency.

But housing and homeownership must be coupled with access to jobs and income to restore real opportunity in our inner cities. New job opportunities, entrepreneurship, and access to private property and homeownership

Foreword

continued

can help change the incentive structure at work in poverty areas to make aboveground capitalism more rewarding than illicit capitalism in drug activities. To create new incentives for small business seed capital, President Bush wants to eliminate the capital gains tax on new entrepreneurs who invest funds in an Enterprise Zone. If passed by Congress, Enterprise Zones would provide an economic ladder of opportunity for low-income people to start their own businesses, providing a powerful weapon against this vexing urban and rural drug abuse tragedy.

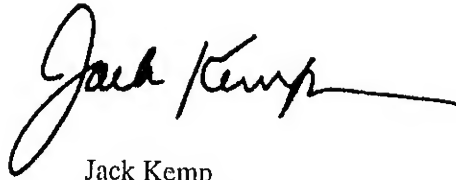
Another serious problem often linked with drugs is homelessness. Under HOPE, President Bush launched the new Shelter Plus Care program with \$382 million in authorized funds for 2 years to combine permanent rental assistance with supportive services such as health care, drug treatment, education and job training. Our strategy will provide a comprehensive approach to caring for this most needy group.

In addition to the new HOPE legislation, we have asked Congress for, and received, an increase of nearly \$1 billion for the Comprehensive Improvement Assistance Program (CIAP), up from \$1.65 billion in 1989 to \$2.5 billion in 1991. These funds will help modernize and upgrade public housing communities nationwide. The Public Housing Drug Elimination Program, funded at \$150 million in Fiscal Year 1991, will give PHAs additional resources for social programs needed to attack the problem of drugs in public housing.

But the bottom-line answer to eliminating the scourge of drugs is to cultivate responsibility, pride and motivation in our youth. One of the most promising developments I know of in public housing is the flowering of community youth and civic groups that work to mold character, encourage teamwork and develop leadership qualities for a new generation of leaders. The Administration will target 5 percent, or \$7.5 million, of the Public Housing Drug Elimination Grants to youth initiatives in fiscal year 1991. The Administration plans to do much more to make public housing a decent place to live—from child care and job training to Head Start and a wider choice in education.

PHAs and residents alike indicate a need for more information to help win the fight against illegal drugs. To address this need, we have established the Drug Information & Strategy Clearinghouse (DISC), where information is readily available to any public housing resident or PHA.

We have also prepared this book, which describes all the resources available to fight illegal drugs in public housing communities. I urge you to use this book and its resources, join with others in the community who have additional resources and help us make public housing what it was always meant to be—a place of safe living, opportunities and hope.

A handwritten signature in black ink, reading "Jack Kemp". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jack Kemp
Secretary of Housing and
Urban Development



Table of Contents

Foreword	i
Introduction	1
Chapter 1. Screening the Applicant	3
Using Admissions To Keep Drugs Away	3
Treating Everyone the Same	3
Explaining Your Policies	4
Using Forms Wisely	4
Being an Alert Interviewer	4
Verifying the Answers	5
Civil Rights Laws	5
When Applicants Don't Qualify	7
Examples	7
Regulations	8
References	8
Chapter 2. Using the Lease's Provisions	9
How the Lease Can Help You	9
New Anti-Drug Lease Provisions	10
Other Things You Can Specify in the Lease	10
Enforcing the Lease Without Terminating It	11
Charges for Lease Violation	11
Removing an Offending Household Member or Guest	11
Examples	12
Regulations	12
References	12
Chapter 3. Evictions	13
Building Your Case	13
The Eviction Process	14
Examples	17
Regulations	17
References	17

Table of Contents

continued

Chapter 4. Physical and Management Improvements	19
Physical Improvements	19
Management Improvements	19
Funding the Improvements	21
Annual Contributions Contract	21
Comprehensive Improvement Assistance Program	21
Examples	23
Regulations	24
References	24
Job Training	25
Chapter 5. Drug-Free Workplaces	27
Establishing a Drug-Free Workplace	27
Dealing With a Convicted Employee	28
Examples	28
References	29
Chapter 6. Resident Initiatives Against Drugs	31
Resident Participation	31
Resident Management	32
Funding and Technical Assistance	32
Examples	32
References	34
Chapter 7. Case Examples	35
Manchester Housing Authority	35
Housing Authority of the City of High Point	36
Housing Authority of the County of Contra Costa	38
Omaha Housing Authority	39
Chicago Housing Authority	39
Bromley-Heath Resident Management Corporation	41
Kenilworth-Parkside Resident Management Corporation	41
Chapter 8. Resources	43
HUD Financial Resources	43
Public Housing Drug Elimination Program	43
Resident Management	44
Public Housing Child Care Demonstration Program	44
Resident Management Homeownership Program	45
Comprehensive Improvement Assistance Program	45
Community Development Block Grants	45

Other HUD Assistance	49
Office for Drug-Free Neighborhoods	49
Potential Funding Sources	50
Federal Agencies	50
Foundations	51
Information Resources	52

Appendixes

Appendix A. Public Housing Agencies	57
Appendix B. Resident Management Corporations	59
Appendix C. States for Which There Have Been Positive Due Process Determinations	61
Appendix D. HUD Addresses and Phone Numbers	67
HUD Headquarters	67
HUD Field Offices	67



Introduction

Secretary of Housing and Urban Development Jack Kemp in April 1989 outlined a 10-point program for HUD's role in ending the tragedy of drugs in public housing:

- Tighten security in public housing.
- Streamline eviction procedures for drug-related criminal activity.
- Cooperate with the U.S. Attorney's local offices to seize units used illegally and return them to legitimate residents.
- Require public housing agencies (PHAs) to make vacant units habitable or to make them inaccessible to drug dealers.
- Improve housing quality and the quality of life in public housing.
- Establish drug tip hotlines so residents can anonymously report illegal drug activity in their areas.
- Employ resident managers and encourage resident organizations to promote and conduct drug prevention and education efforts.
- Terminate Section 8 and voucher assistance to those who commit serious drug-related crimes.
- Encourage use of Comprehensive Improvement Assistance Program (CIAP), Community Development Block Grants (CDBGs) and Public Housing Drug Elimination Program funds for anti-drug activities.
- Establish recreational activities for children and teens.

Many of these anti-drug initiatives have already been put into practice in public housing neighborhoods across the country. Based on responses the Secretary has received from PHAs and on his visits to public housing developments, HUD has designed this resource book as a tool for fighting illegal drugs. It is written for PHAs, resident management corporations (RMCs), resident organizations and residents facing drug problems or wishing to prevent them from developing in their communities.

This is the first in a series of books that will address the issue of drugs in public housing. Here you will find information about existing laws and regulations that PHAs and RMCs can use in addressing the drug problem.

Introduction

continued

Sections are devoted to such management issues as the screening of applicants, lease issues and remedies, and eviction information. Future volumes will discuss law enforcement strategies and the important role played by prevention and intervention programs. Throughout the book you will find case examples of anti-drug efforts and examples of resources from a variety of sources available to you. Materials are presented in plain language, legislative sources are cited and examples of creative, effective use of the laws and regulations are described. The book also provides names, addresses and phone numbers of people to call for additional information.

The Public Housing Drug Elimination Program, created in the Anti-Drug Abuse Act of 1988, is the primary source of HUD funds to fight illegal drugs. Other funding, such as operating subsidies, CIAP, and CDBGs may also be used for anti-drug purposes. This book describes activities permitted by HUD regulations for which these funds may be used. You may also develop new and creative ways of using the funds. Appropriate HUD officials will work with you to combine your ideas with existing programs and guidelines to form a workable program. All recommendations, policies or procedures in this book must be implemented without regard to race, color, religion, sex, handicap, familial status or national origin of the residents in HUD-assisted housing.

There are many other Federal and foundation-sponsored anti-drug programs available to you, some of which are listed in Chapter 8. We urge you to apply for these programs and to develop cooperative efforts with local agencies eligible for funding under such programs. State agencies and your police department and school system, for example, can provide excellent resources for anti-drug programs for PHA residents. Through joint efforts, you may be able to establish a more comprehensive anti-drug program for the residents in your community.

We also encourage you to share your experiences with us. HUD has established the Drug Information & Strategy Clearinghouse (DISC) to provide information on programs, institutions and agencies that can help you. Your successful anti-drug programs will be an important part of the Clearinghouse's information base. Please share them with us. Write to the Drug Information & Strategy Clearinghouse, P.O. Box 6424, Rockville, MD 20850, or call (800) 245-2691 or (301) 251-5154 (in the Metropolitan Washington, D.C., area).

We know that HUD policies and resources are only part of the solution to winning the war on drugs. State and local initiatives must be combined with Federal efforts to make a real difference in public housing developments where the problems exist. Through a combined and aggressive effort, we will be victorious.

Chapter 1

Screening the Applicant

As a public housing agency (PHA) or a resident management corporation (RMC) manager, your first opportunity to prevent drug problems in your public housing community comes when applicants apply for occupancy. Regulations allow you to screen applicants and their families so that you can:

- Keep out those who make, sell or currently use illegal drugs.
- Keep out those who abuse legal drugs and alcohol if you decide their behavior will probably harm other residents in the development.

You should apply the same standards to household members joining an existing household. Every household member included on the lease should follow the rules.

Using Admissions To Keep Drugs Away

You can use these five steps in admissions to keep drug dealers and users out of public housing:

- Develop consistent procedures. Treat everyone the same.

- Explain your policies. Tell applicants, "This is what we expect."
- Use forms wisely. Find out what you need to know.
- Be an alert interviewer. Watch for contradictions.
- Verify the applicant's answers.

Treating Everyone the Same

The PHA and RMC manager may be blamed if undesirable applicants gain residence in public housing. An undesirable applicant is one who is likely to have a detrimental effect or keep others from enjoying the community.

The information collected during the admissions process should help determine whether a potential resident will adversely affect the health, safety or welfare of other residents or will adversely affect the physical environment of the community. You must consider only the applicant's own personal characteristics and behavior, not those that may be attributed to a particular group because of race, color, religion, sex, handicap, familial status or national origin.

Screening the Applicant

continued

“... explain the admissions policy and procedures clearly ...”

You can use your own judgment in deciding how important a piece of information is, but you must be fair and consistent in the standards you use to decide who is admitted and who is not. For example, if an applicant's history involves drugs and crime, you should give less weight to arrests that didn't lead to convictions, since an arrested suspect is presumed innocent until convicted.

Look very carefully at the unfavorable information you obtain. Learn the time, nature and extent of the applicant's behavior, and look for clues that it may happen again. Lean in favor of the applicant if:

- A written report from a parole officer or social worker states that the applicant has been rehabilitated and is drug free.
- The applicant shows an awareness of his or her drug problem and has been receiving counseling or treatment.

Some applicants may qualify for a Federal preference because they have been involuntarily displaced, live in substandard housing or pay more than 50 percent of their income for rent. Nevertheless, if they're currently involved with illegal drugs, you *can* deny them admission.

Explaining Your Policies

You should explain the admissions policy and procedures clearly so

that applicants are not confused and know what is expected of them. Alert them that the information they supply may be verified.

Inform the applicants that they *will not* be admitted to public housing if anyone in their household sells or uses illegal drugs. Explain to them that if anyone in their household becomes involved with illegal drugs after they move in, the family must take steps to change the situation and prove to the PHA or RMC that he or she is recovering. If this illegal drug activity continues, they will face eviction.

Using Forms Wisely

Be sure the application form asks about the applicant's criminal history, including any arrests or convictions for drug activity.

Your form should ask for the applicant's income and expenses. If the income doesn't match the expenses or if income or expense information conflicts with outside information, look carefully for any sign that the applicant is earning money by making or selling drugs or by buying them for someone else.

You can require a signed personal declaration that neither the applicant nor any other member of the household is involved with illegal drugs.

Being an Alert Interviewer

A skilled interviewer can often judge whether an applicant is telling the truth about his or her involvement with drugs. If he or she gives conflicting information or answers that don't make sense, repeat the question or ask it in a

different way. The applicant's body language or voice patterns may tell you that something needs more explanation. Compare what the applicant tells you with what he or she wrote on the application form to see how well they agree. However, you must be objective. You must not allow personal dislikes, preferences or prejudices to create subjective impressions.

Verifying the Answers

Make sure that all adult household members sign an authorization permitting the PHA or RMC to verify the application information. If they don't sign the authorization, you are not required to house the family. There are many ways to check the information on the application form:

- Verify the identity of household members, including minors, using such documents as birth certificates, adoption papers, custody agreements, Department of Health and Human Services identification cards and school records.
- Explore financial, employment and other personal information through previous landlords, employers, drug rehabilitation centers, court records, police files, social workers or parole officers, credit checks or a home visit. Written information from one of the listed sources is most reliable, but a home visit may enable you to assess living and housekeeping habits and detect any signs of drugs.

You cannot require applicants to pay for a credit check or any other cost involved in checking their applications.

You may want to read local newspaper crime reports to see whether applicants have been arrested or convicted of crimes. Newspaper stories that give addresses for people involved with the police may show that the applicants haven't listed the names of all the people living with them.

Civil Rights Laws

Both PHAs and RMCs have expressed a great deal of concern about admitting alcoholics or drug addicts to public housing communities. Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988) protect individuals, under many circumstances, who are either alcoholics or drug addicts. Because of this, you will need to assure that you comply with both laws in terms of any actions you may take to screen applicants and as you attempt to eliminate drug-related criminal activity from the programs you administer.

Section 504 applies to both the employment activities of recipients of HUD financial assistance and the programs and services carried out by the recipients of HUD financial assistance. For purposes of Section 504, HUD's definition of an "individual with handicaps" includes individuals with mental or psychological disorders. The regulation specifically lists drug addiction and alcoholism as handicapping conditions. However, HUD's Section 504 regulation makes clear that (1) in terms of employment, the term "individual with handicaps" does *not* include any individual who is an

“... a home visit may enable you to assess living and housekeeping habits and detect any signs of drugs.”

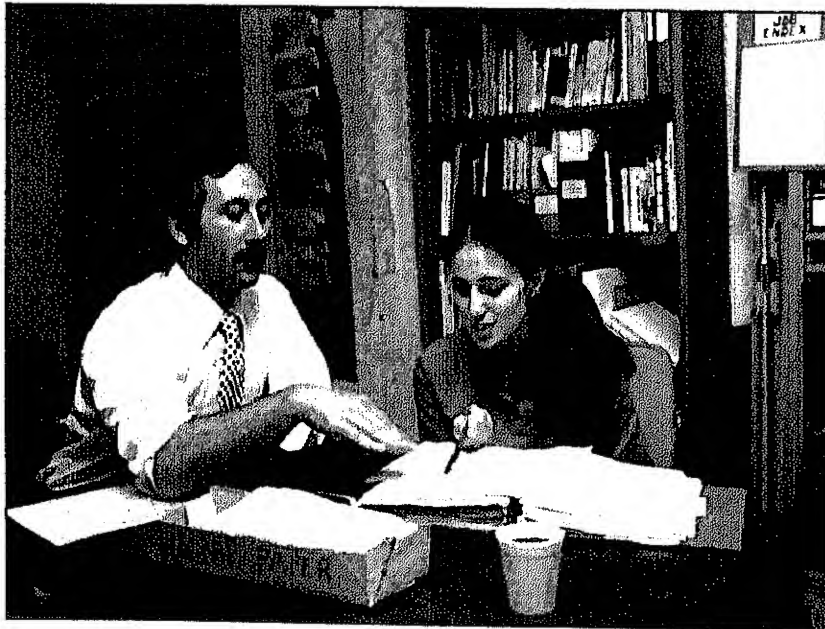
Screening the Applicant

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“The FHAA, among other things, expanded the coverage of Title VIII to prohibit discriminatory housing practices based on handicap and familial status.”

The admissions policy and procedures should be explained clearly to applicants.

“alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from performing the duties of the job in question, or whose employment, by reason of current alcohol or drug abuse, would constitute a direct threat to the property or safety of others”; and (2) in terms of other programs and services, the term “individual with handicaps” would not cover “any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others” (24 CFR 8.3). [Emphasis added.]



The Fair Housing Amendments Act (FHAA) of 1988 amended Title VIII of the Civil Rights Act of 1968. Title VIII (the Fair Housing Act) prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin. The FHAA, among other things, expanded the coverage of Title VIII to prohibit discriminatory housing practices based on handicap and familial status.

Under the Fair Housing Amendments Act, the term “handicap” includes physical and mental impairments, and the implementing regulation explicitly states that “drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism” are included (24 CFR 100.201). The Fair Housing Amendments Act protects individuals who have an addiction to drugs (other than addiction caused by current, illegal use of a controlled substance) or alcohol against unlawful discrimination in the sale or rental of a dwelling. In addition, it is unlawful, under the FHAA, for a landlord to refuse to make reasonable accommodations in policies, practices or services when such accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling, including the public and common areas. Further, it would be unlawful for a landlord to refuse to allow reasonable modifications of the existing premises (which include the common areas as well as the interior of the dwelling unit) if necessary to afford a handicapped person full enjoyment of the premises.

An individual is not protected under the Fair Housing Amendments Act *if the person's addiction is the result of current, illegal use of a controlled substance*. For purposes of the FHAA, housing providers are not, therefore, required to ignore a person's current illegal use of a controlled substance in determining qualification for residency; however, a housing provider cannot assume all applicants with histories of drug addiction *currently* use controlled substances illegally. Whether an applicant who is addicted to drugs is disqualified from living in the PHA depends on whether there is a reasonable basis to believe the applicant cannot meet the PHA's eligibility requirements based on the facts in each case. Some factors to consider are the recentness of any illegal use of controlled substances, the frequency of any illegal conduct, evidence of rehabilitation, evidence of willingness to participate in rehabilitation or counseling programs and evidence of the availability of such programs (24 CFR 960.205(d)).

If another organization or a resident screening program evaluates applicants on the PHA's or RMC's behalf, that organization must also be careful to comply with civil rights laws. The PHA is ultimately responsible for complying with the law.

When Applicants Don't Qualify

If you find that an applicant doesn't qualify for admission under either HUD's standards or the PHA's, you must notify him or her in writing, stating the reasons for rejection. You must also tell

the applicant that he or she has the right to an informal hearing.

When an applicant asks for a hearing, you must provide one within a reasonable time. The informal hearing is not intended to burden PHAs; it simply gives the applicant a chance to be heard by someone other than the person who rejected the application.

If you determine that an entire family cannot be admitted because of illegal acts committed by one or two, but not all family members, you may admit the rest of the family if they state in writing that the offending person(s) will not be part of the public housing household.

The grievance procedures for public housing residents do not apply to determinations affecting applicants.

Examples

Waltham (Massachusetts) Housing Authority. Because PHAs in Massachusetts do not have direct access to information on criminal histories, the Waltham PHA requires that all applicants request from the State Probation Commissioner either records of criminal history or a written statement that there is none.

Housing Authority of the City of New Haven, Connecticut. The PHA and the residents' organization together developed a formal program that lets residents screen applicants. Because the city is relatively small, residents often know applicants and can give information about them. Good or bad, residents' comments go through a rotating advisory panel

“When an applicant asks for a hearing, you must provide one within a reasonable time.”

Screening the Applicant

continued

(two residents and one member of the PHA management staff), which puts the comments into writing and makes them part of the PHA's official records. Resident screening programs must also abide by all applicable provisions of Section 504, FHAA and the Civil Rights Act.

Atlanta (Georgia) Housing Authority. The Atlanta Bureau of Police Services has assigned an officer to the PHA full time. The officer randomly checks the criminal background of applicants, and the PHA enters into a central computer the name of any resident evicted for drug sale or use. The PHA rejects anyone named in that computer file unless the applicant proves his or her rehabilitation.

San Francisco Bay Area PHAs. Bay Area PHAs participate in a data system network that collects and shares information on all residents of the region who vacate units. The system provides both favorable and unfavorable information to identify high-risk residents.

Regulations

HUD regulations at 24 CFR 960.204-207 require PHAs to screen applicants, consider mitigating circumstances, verify the information and notify applicants who do not meet the PHA's standards.

The Public Housing Occupancy Handbook 7465.1, REV-2, dated August 1987, has helpful information in Section 4, "Suitability for Tenancy."

References

For more information, contact:

HUD Field Office

- Chief, Assisted Housing Management Branch
- Housing Management Specialist handling the particular PHA

HUD Headquarters

- Robert S. Kenison, Associate General Counsel, Office of the General Counsel (OGC), (202) 708-0212
- Edward C. Whipple, Director, Occupancy Division, Office of Public and Indian Housing (PIH), (202) 708-0744
- Cheryl Kent, Program Analyst, Program Compliance Division, Fair Housing and Equal Opportunity (FHEO), Voice and TDD (202) 708-0015

Chapter 2

Using the Lease's Provisions

The lease is one of the strongest weapons against drugs in public housing. Many public housing agencies and resident management corporations complain that public housing lease requirements make it hard to deal with drug-related crimes, but that is not true. In fact, all leases now must *require* certain anti-drug provisions and *permit* still others; and eviction isn't *always* the only way to enforce the lease.

How the Lease Can Help You

Families involved with illegal drugs often commit other major lease violations, such as not paying rent or repeatedly paying rent late. PHAs and RMCs may find it easier to terminate the lease and evict a resident for these reasons than for drug-related criminal activities. There are other lease provisions residents may violate if they are involved with drugs. Serious violations and the associated lease provisions include:

- *Concealing income from drug sales.* The lease requires residents to report all income that the PHA or RMC considers necessary to calculate the

resident's rent (24 CFR 966.4(c)(2)).

- *Using the dwelling for the sale or manufacture of drugs.* The lease requires residents to use the dwelling as a private residence for themselves and their households. The PHA or RMC can forbid *any* business use, even if it is permitted by local law. You should require the resident to get your approval before operating even a *small* business in the dwelling, and *no* public housing unit may be used solely for business. It must be primarily a residence (24 CFR 966.4(f)(3)).
- *Allowing others to manufacture, sell or use drugs in the dwelling.* A resident cannot assign the lease to another, sublease the dwelling or have boarders or lodgers. Only authorized occupants (household members on the lease) are allowed to live there (24 CFR 966(f)(1),(2) and (3)).
- *Damaging the dwelling or the development through illegal drug activities.* The lease says residents must not destroy, deface, damage or remove any part of the dwelling, and must prevent household members and

Using the Lease's Provisions

continued

“Residents must not prevent other residents’ peaceful enjoyment of their dwellings . . . ”

guests from doing so (24 CFR 966.4(f)(9)).

- *Operating a crack house, using a dwelling as a “shooting gallery,” or threatening or terrorizing neighbors.* Residents must not prevent other residents’ peaceful enjoyment of their dwellings; they must keep the development decent, safe and sanitary; they must be sure that people who are in the dwelling with their consent do not disturb their neighbors’ peaceful enjoyment. The guests’ behavior must not interfere with the decent, safe and sanitary conditions of the community (24 CFR 966.4(f)(11)).

New Anti-Drug Lease Provisions

Existing lease provisions were strengthened by Section 5101 of the Anti-Drug Abuse Act of 1988. Section 5101 adds the following to public housing leases: “A public housing resident, any member of the resident’s household, or a guest or other person under the resident’s control shall not engage in criminal activity, including drug-related criminal activity, on or near public housing premises, while the resident is a resident in public housing, and such criminal activity shall be cause for termination of tenancy.” The definition of drug-related criminal activity is the

illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. The resident does not need to be convicted of criminal activity to be considered in violation of Section 5101.

It is important to note that a person who admits an addiction but is not a current user of illegal drugs may not be evicted under the provisions of Section 5101, unless he or she has committed one of the other criminal offenses found here. In an eviction, as in any other civil case, the standard of proof is usually “a preponderance of evidence.” For more information about the requirements of the law, see the *Federal Register* dated April 20, 1989 (54 FR 15998).

Other Things You Can Specify in the Lease

PHAs may add other items to the lease as long as they aren’t forbidden by HUD statutes or regulations. Provisions may restrict the behavior of the resident, household members or guests. As with other lease provisions, serious or repeated violations are causes for terminating the lease.

The HUD lease regulation requires that the PHA give residents at least 30 days’ written notice before rewriting the PHA’s regulations lease. The PHA must tell residents what changes are proposed and why and give them a chance to submit written comments. PHA management must consider residents’ comments before the proposed changes go into effect although the PHA decides whether or not to adopt the comments.

Enforcing the Lease Without Terminating It

There may be times when you do not want to threaten to terminate the lease even though you want to reinforce violated rules. There are several actions you can take instead of—or before—terminating a lease.

Charges for Lease Violation

Depending on State law, you may be able to levy penalty fees against residents who violate the lease or PHA rules. State law may also permit you to charge residents as a way of enforcing “house rules” such as restrictions on loud noise at night.

If the resident pays for a violation but continues misbehaving, you can cite the first violation as well as later ones as a reason for terminating the lease. You will have to explain your policy on charging for violations, however, if the resident challenges the eviction in court. Some courts may hold that regular small charges for a resident’s repeated violations show a pattern of PHA tolerance that would prevent eviction.

To prevent that from happening, consider increasing the amount charged each time a resident violates the lease. After a specific number of violations, the resident’s lease would be terminated. *The policy should be thoroughly explained to all residents.*

Removing an Offending Household Member or Guest

If a household member becomes involved with drugs, his or her action violates the resident’s lease. Before taking action to terminate, you may wish to send a written warning stating that the PHA or RMC will terminate the lease if the problem behavior does not stop or the member does not move out.

A similar warning can be issued to a resident who has a problem visitor. The warning may state that if the guest does not stop the unacceptable behavior, the PHA or RMC will revoke his or her visiting privileges and will terminate the lease if the guest’s misbehavior continues. If the guest’s behavior occurs on the development grounds, however, rather than in the dwelling itself, it may be hard to prove that the guest is there with the resident’s permission.

“If a household member becomes involved with drugs, his or her action violates the resident’s lease.”

Explaining the lease provisions can head off potential problems.



Using the Lease's Provisions

continued

Examples

Muskegon Heights (Michigan) Housing Commission. The PHA lease declares that "engaging in, or permitting family, friends or guests to engage in, activity which materially impairs the social environment of the development" is grounds for eviction. Evidence collected by the police, including copies of arrest reports and chemical analyses, can be used to evict a resident, and the PHA does not need to establish that a crime has been committed or produce witnesses to testify against their neighbors.

Newport News (Virginia) Redevelopment and Housing Authority. The city has a formal program to inform residents of the PHA's strict adherence to lease provisions, including those that relate to illegal drugs. At a mandatory 2-hour orientation session for all applicants, PHA managers explain in detail their lease provisions, management philosophy, maintenance requirements, social service provisions and safety and security measures. Once a resident wins acceptance and gets an apartment

assignment, the PHA manager holds an orientation conference to discuss lease provisions, expected behavior and rules and regulations that apply. If lease violations *then* occur, the resident is asked to vacate immediately and voluntarily. If the resident refuses, the eviction process begins.

Regulations

HUD regulations at 24 CFR 966 Subpart A govern lease provisions. Parts 966.4 and 966.5 are especially relevant to the discussion in this section.

References

For more information, contact:

HUD Field Office

- Chief, Assisted Housing Management Branch
- Housing Management Specialist handling the particular PHA

HUD Headquarters

- Robert S. Kenison, Associate General Counsel, Office of the General Counsel (OGC), (202) 708-0212
- Edward C. Whipple, Director, Occupancy Division, Office of Public and Indian Housing (PIH), (202) 708-0744

Chapter 3

Evictions

At some point, a public housing agency or resident management corporation may have to evict a household because of drug activity. In making the decision to evict, you may want to consider a number of factors:

- Whether there is an immediate threat to neighbors or to PHA or RMC employees.
- The severity of the situation.
- The willingness of the resident to accept intervention.
- The general record of the household as a resident of public housing.
- The number of people involved.
- The role of the resident.
- The effect on, or involvement of, the household's children.
- The extent of the criminality.

You also may want to consult with, or refer the family to, public welfare, child protection or family assistance agencies; the school system; churches or synagogues; counseling agencies or drug treatment programs; hospitals; the courts; police or sheriffs' departments; district attorney's office or U.S. Attorney's office.

You should try to expedite this process, keeping in mind HUD's lease termination and grievance procedures, which protect residents' rights.

Building Your Case

If you prepare the case carefully, HUD requirements shouldn't stand in the way of evicting someone involved with drugs. All of the information you gather must be carefully documented if the records are to be admissible in court. The PHA or RMC should set up specific recordkeeping procedures and see that the staff applies them consistently.

Courts may require that records on residents be maintained in the regular course of PHA or RMC business. Business records (such as regularly maintained PHA or RMC records) are an exception to the "hearsay" rule. Generally, hearsay evidence is not admissible.

A running log in each resident's folder should record visits, telephone calls and other contacts between the resident and staff. At a minimum, the log should include the date, a brief summary of what happened and the name of the staff member.

Evictions

continued

“... the eviction process should begin with a written warning from the PHA or RMC.”

Written statements on suspicious or drug-related incidents require details on who, what, where, when and how. A person making an allegation must be willing to stand by the statement and testify to it in court. Check with an attorney or the local court for details of local evidence requirements.

Many sources of information are available to document a case for eviction. PHA and RMC managers should use every contact with the household to gather information. Office visits by the resident and household members give one good opportunity. Observe how they behave at their annual renewal interview or when they come to the office to seek a rent adjustment, pay their rent, complain about maintenance or use community services.

Visits by maintenance staff to make repairs, inspections by the PHA or resident management staff, annual or housekeeping inspections all give you a chance to observe residents in their dwelling place. While your staff cannot search the apartment, they may see evidence of possible unreported income or people not on the lease who appear to be living there. They may spot drug paraphernalia or suspicious behavior.

During such visits, you and the staff must be careful to observe the regulations about entering a resident's dwelling:

- Give the resident reasonable advance written notice (generally 2 days) before entering his or her dwelling. Limit visits to reasonable hours. You are *not* required to give advance notice, however, if the PHA believes there is an emergency.
- If no adult is at home at the time, you must leave a note giving the date, time and reason for the visit.

Observation by others can also help build a case for eviction. Community residents, neighbors, police or local business people may observe drug activity.

Newspaper articles provide *leads*, not evidence. Confirm the facts in the articles with another source, such as the police.

Court records and police reports may be difficult or expensive to obtain. State and local laws differ as to whether you can use or even obtain such documents, and the police and courts may or may not cooperate. Ask the police, sheriff's department or district attorney's office for information about access to these records.

The Eviction Process

Generally, the eviction process should begin with a written warning from the PHA or RMC. It can be a “friendly” informal warning or a more formal legal notification. It must state clearly the behavior or activity to which the PHA or RMC objects. The letter also should state the consequences of a repetition of the behavior or activity. It should explain what the resident can do if he or she disagrees with the PHA or RMC.

All residents have the right of access to the PHA's or RMC's grievance procedure at this stage (except as noted below), beginning with an effort at an informal settlement. The grievance procedure is used to resolve disputes where the resident claims the PHA or RMC has acted or failed to act in violation of the lease or the PHA or RMC regulations, thus harming the resident.

However, access to the grievance procedure is not required if the PHA or RMC has issued a lease termination notice *and* the HUD Secretary has determined that State and local law provide for due process (as defined in HUD regulations). As a result of this positive determination, the Secretary waives the grievance procedure requirements for lease termination and eviction actions only.

The waiver applies only to certain types of eviction actions taken in certain courts. A list of the positive determinations made as of the publication of this book is contained in Appendix C. It shows, by State, to which court procedures and laws the determination applies.

The determination does not waive the HUD regulatory lease termination requirements, however. The PHA or RMC is required to deliver a written lease termination notice to the resident or an adult household member. It also may be sent by prepaid first-class mail and must be addressed properly.

In proceeding to eviction, you must consider the interaction of Federal and State notices and procedures. The PHA or RMC cannot give the resident the State eviction notice until the Federal

notice period has ended. The length of time will vary, depending upon whether the resident disputes the notice and whether there has been a positive determination and a waiver of the grievance procedure.

Generally, the steps involved in the various conditions are as follows:

No Due Process Determination Waiver of the Grievance Procedure and the Resident Files a Grievance:

1. Issuance of notice of lease termination (PHA's or RMC's action upon which a grievance can be filed).
2. Personal presentation of grievance by resident (orally or in writing) within a reasonable time.
3. Preparation and distribution of a summary of discussion (result of the attempt to settle informally) within a reasonable time.
4. Request for grievance hearing made within reasonable time of receipt of discussion summary.
5. Hearing.
6. Distribution of written hearing decision or end of Federal notice time period, whichever comes later.
7. Issuance of State eviction law notice(s) required to begin process to remove resident (for example, notice to quit, vacate notice).
8. Issuance of State eviction law notice required to start lawsuit to get court approval to remove resident from premises (for example, a summons or complaint).

“... consider the interaction of Federal and State notices and procedures.”

Evictions

continued

A Due Process Determination Waiver of the Grievance Procedure, or No Due Process Determination Waiver and the Resident Does Not File a Grievance:

1. Issuance of notice of lease termination (PHA's or RMC's action upon which grievance can be filed).
2. Expiration of Federal notice time period.
3. Issuance of State eviction law notice required to begin process to remove resident (for example, notice to quit or vacate).
4. Issuance of State eviction law notice required to start lawsuit to get court approval to remove resident from premises (for example, a summons or complaint).

Other Federal Grievance Procedure Requirements That Apply If There Is No Due Process Determination Waiver:

1. Limitations on access to the grievance procedure where lease termination is for nonpayment of rent.

The resident has access to the grievance procedure if he or she disputes:

- How the rent was computed.
- The income figures and deductions the PHA or RMC used in the rent calculations.

- The amount of rent the PHA or RMC claims the resident owes.

- The PHA's or RMC's claim that the rent was not paid.

The resident does not have access to the grievance procedure if he or she disagrees with the PHA's or RMC's decision to terminate the lease but does not dispute the facts. A State or local court is the appropriate place to resolve a conflict over the PHA's or RMC's lease termination decision.

2. Additional limitations on access to the grievance procedure when the issue in the lease termination action concerns the amount of rent due.

- Prior to a hearing on the dispute over the rent amount the PHA or RMC claims is due, the resident must pay the PHA or RMC the entire amount of rent the resident owed before he or she was sent the lease termination notice.

- Until the grievance is resolved by the hearing panel or officer, the resident must deposit his or her monthly rent in an escrow account.

- If the resident does not make these payments, the grievance process is ended for the resident.

- The PHA or RMC may waive the requirement for these payments at its discretion.

66 *A State or local court is the appropriate place to resolve a conflict over the PHA's or RMC's lease termination decision.* 99

3. Posthearing requirements where the PHA's or RMC's lease termination action is upheld by the hearing panel or officer.

- The hearing panel's or officer's decision must be sent to the resident.
- The PHA or RMC must serve the resident with a State-required written notice to vacate before it begins an eviction action in State or local court.
- In the notice, the resident must be told to leave the dwelling by the end of the applicable State period or the Federal termination date stated in the PHA's or RMC's termination notice, whichever is later.
- The resident must be told that if he or she stays, an eviction action will be brought in court. It is possible the resident may be required to pay court costs and attorney's fees if he or she loses in court.

Examples

Gloucester (Massachusetts) Housing Authority. The PHA won 10 eviction cases in 2 years, including 3 for illegal activity and 2 for nonpayment of rent. In each instance the family was involved in drug-related criminal activity. The PHA believes that effective enforcement of the rent collection policy is a faster, easier way of dealing with residents who make

Housing Authority of the City of Pittsburgh, Pennsylvania. In some cases, innocent or elderly members of the household transfer out and the court evicts the remainder of the family. A detective division within the PHA's Housing Police Force helps build cases.

Regulations

HUD regulations at 24 CFR 964.4, 966.51, 966.53, 966.55 and 966.58 further describe the issues discussed in this section.

References

For more information, contact:

HUD Field Office

- Chief, Assisted Housing Management Branch
- Housing Management Specialist handling the particular PHA

HUD Headquarters

- Robert S. Kenison, Associate General Counsel, Office of the General Counsel (OGC), (202) 708-0212
- Edward C. Whipple, Director, Occupancy Division, Office of Public and Indian Housing (PIH), (202) 708-0744

Chapter 4

Physical and Management Improvements

Physical Improvements

The physical condition of a public housing community sometimes makes it attractive or easily accessible to drug users or dealers. To discourage such drug activity, public housing agencies and resident management corporations should consider the following physical improvements:

- Install security hardware, stronger locks or security screens.
- Install additional lighting.
- Create defensible space by redesigning entrances.
- Remove the outer walls of stairwells in walkup buildings and add lighting to improve visibility.
- Install a separate entrance for each first-floor unit to cut traffic in stairwells.
- Fence developments and create controlled entrances.
- Convert a dwelling unit, with HUD approval, into nondwelling space for use by project management or tenant patrols for security services.

Management Improvements

You may use the following specific management practices without spending a lot of money:

- Provide strong, competent management at the development to prevent drug activities. PHA and RMC managers should hire capable, well-trained staff and continue training them on drug and management issues.
- Establish clear, concise regulations and policies against drugs with resident input and support, and hold open meetings to discuss the rules.
- Charge and collect an adequate amount of money for security deposits, which will encourage residents to leave units free of refuse and inform management when they vacate a unit so it can be secured against squatters, vandals and crime. (Note: HUD's public housing lease regulation states that "Security deposits . . . shall not exceed one month's rent or such reasonable fixed amount as may be required by the PHA." (See 24 CFR 966.4 (b)(3)(ii).)

Physical and Management Improvements

continued

“Include residents in decisions about development operations . . .”

- Secure vacated units immediately to prevent their use for criminal activities.
- Provide a strong management presence to discourage drug-related activity, including such actions as walking development sites daily and getting to know residents.
- Help new residents become familiar with terms of the lease and PHA or RMC rules, and provide contacts to call if problems arise.
- Keep the community well maintained to deter vandalism. Abandoned cars should be towed and broken windows replaced. Poorly maintained developments that appear out of control attract criminal activities; poor maintenance has a negative psychological effect.
- Recruit a social service coordinator to refer residents to appropriate services.
- Promote jobs, educational programs and recreational activities to improve resident morale and quality of life.
- Include residents in decisions about development operations, to increase pride in and responsibility for their community. (Resident management is described in Chapter 6, “Resident Initiatives Against Drugs.”)
- Maintain good relations with local police. Encourage the establishment of police substations on public housing property and the use of housing units for undercover operations. (Regional Administrators or Area Managers may approve a PHA's request to let law enforcement officials use public housing units to deter the illegal use, manufacture or distribution of drugs. Such use can be approved by HUD—up to a year at a time—for investigating other activities of drug users or dealers. Where undercover activities are involved, the Regional Administrator or Area Manager may issue approval *after* use of the property.)
- Allow employees or policemen to live on site with HUD approval, which will help prevent criminal activity and promote law enforcement.
- Arrange for local police to teach staff and residents how to spot and report drug dealing.
- Develop good relationships with local government and civic organizations.
- Promote a drug-free workplace.
- Promote good relations and information exchange with the judiciary.
- Improve the image of public housing by dispelling the idea that it is “housing of last resort.”
- Tighten screening and eviction procedures to prevent drug problems and eliminate them when they do arise.
- If necessary, upgrade the site manager's job description to require necessary management skills.

- Assess union agreements to determine whether they hamper efficient management and maintenance. If they do, obtain professional help for renegotiating them.
- Train both long-term and new residents in "living skills."
- Establish performance goals and accountability of employees.
- Organize resident patrols.
- Help establish anti-drug hotlines.

Funding the Improvements

Two major sources for physical and management improvements are the Annual Contributions Contract and the Comprehensive Improvement Assistance Program. *For information on additional funding sources for anti-drug efforts, see Chapter 8, "Resources."*

Annual Contributions Contract

Section 201 of the Annual Contributions Contract, in defining operating expenditures, requires PHAs to operate each development solely for the purpose of providing decent, safe and sanitary dwellings within the financial reach of low-income families. Public housing developments must be operated in a manner that promotes serviceability, efficiency, economy and stability and that facilitates the economic and social well-being of residents.

HUD usually conducts a limited, rather than detailed, review of a PHA's or RMC's operating

budget. Spending controls generally cover very broad categories, making the budget flexible enough to be useful in fighting drugs. In almost every case, you can spend your operating budget as you see fit, as long as the spending is neither illegal nor ineligible. HUD doesn't supply a list of ineligible costs; only those clearly unrelated to running a housing development fail the test. Expenses for fighting illegal drugs are eligible.

The operating budget includes two categories in particular that PHA and resident managers may use to propose funds for fighting drugs:

Protective Services. This category includes staff and resident salaries and wages for serving as public housing police, guards and watchmen. It also includes uniforms, electronic detection equipment, alarm systems, communication equipment and vehicles used primarily to provide protective services. Costs for contracts with resident organizations, municipal entities and private security services can be included. Nationally, 4 percent of the nonutility budget (\$80 million in fiscal year 1988) goes to protective services.

Tenant Services. Direct anti-drug services such as education, training and counseling can fit here. All tenant services account for 2 percent of national nonutility expenses.

Comprehensive Improvement Assistance Program

HUD's Comprehensive Improvement Assistance Program (CIAP) provides (1) funding for physical and management improvements when a development undergoes comprehensive modernization;

“Spending controls generally cover very broad categories, making the budget flexible enough to be useful in fighting drugs.”

Physical and Management Improvements

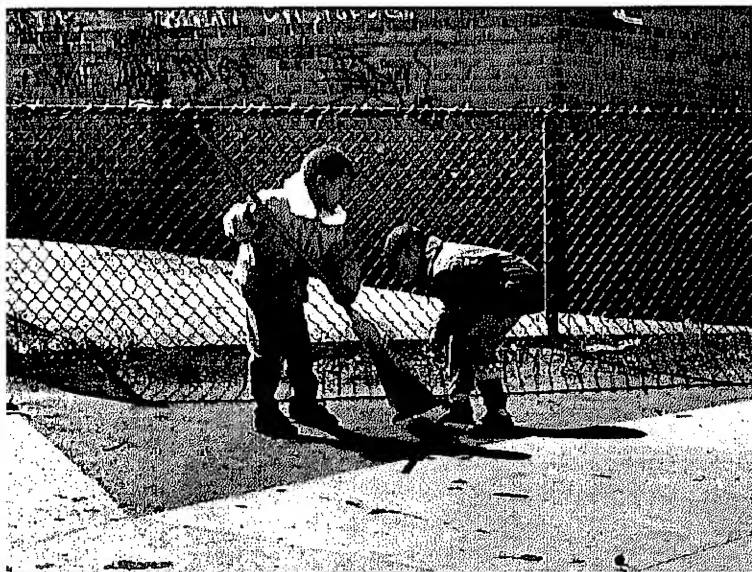
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“Management improvements can only be funded under a comprehensive modernization program.”

(2) funding for special purpose modernization, which includes funding of physical improvements for security; and (3) emergency funding, which in some instances may include funding for security.

Management improvements can only be funded under a comprehensive modernization program. The combined cost of management improvements, including equipment related to drug elimination activities and planning, shall not exceed 10 percent of the estimated hard costs of all stages of a comprehensive modernization program, unless specifically approved by HUD Headquarters.

pride is one of the benefits of management improvements.



Under emergency modernization, a determination of the eligibility of the physical improvement (i.e., correction of an imminent threat to resident life, health and safety) must be made on an individual work-item basis.

Eligible Anti-Drug Management Improvement Activities. In housing developments undergoing comprehensive modernization, you can use CIAP funds to cover such activities as:

- Hire staff to coordinate the provision of appropriate social services such as referral to drug education and treatment provided by local government or other entities.
- Hire licensed security guards during the time of physical improvements or for longer periods with HUD approval (not to exceed 5 years).
- Develop better management techniques for dealing with disruptive residents and drug-related crime.
- Develop and begin using improved screening procedures for prospective residents.
- Organize, train and equip unarmed resident patrols to report suspicious activity.
- Develop and implement improved communication and coordination with local law enforcement agencies.
- Provide job training for residents (see box, page 25).

Ineligible Anti-Drug Management Improvement Activities. You may *not* use CIAP funds to hire or pay staff to *provide direct social services* in a development

being comprehensively modernized. Other examples of *ineligible* activities:

- Hiring unlicensed security guards.
- Purchasing or caring for security dogs.
- Hiring staff to provide drug education and treatment.
- Providing residents with expendable materials such as "Just Say No" T-shirts, caps and buttons.
- Developing drug education videos.
- Buying controlled substances for any purpose, such as conducting a sting operation.

Detailed information on the use of CIAP funds for drug elimination activities can be found in Chapters 2 and 3 and Appendix 2 of CIAP Handbook 7485.1 REV-4.

Examples

City of Chandler (Arizona)

Housing Division. The PHA pays its full-time drug-free housing coordinator with CIAP funds. The coordinator, a local police officer, has organized a public awareness anti-drug program for school-age children. He has also organized anti-drug activities with the schools and the recreation department and arranged for increased police patrols. Residents feel more secure and more likely to tell the PHA about drug activities. To stay within the CIAP funds restriction, the coordinator gives no direct services, but coordinates those available from other sources.

Housing Authority of the City of Orlando, Florida. The HUD Field Office permitted the PHA to make one unit available as a police substation. The two police officers stationed there varied their daily schedules so dealers or users would not recognize a pattern. The police put their colors and logo outside the unit, residents responded enthusiastically and much of the drug activity in the PHA development disappeared.

The PHA and the police were so pleased that they established similar substations at two other developments. The PHA's contribution was the lost rental income from the three units, while the police bore the cost of hiring six additional officers.

North Charleston (South Carolina) Housing Authority. As part of the comprehensive modernization of North Park Village, which was plagued by drug problems, an elaborate security system, including an 8-foot fence with guard stations, was installed. Attractive brick and iron fences face streets and entrances; chainlink fences are used in other parts of the development. The system virtually eliminates drug trafficking on the street. Children and the elderly once again use the clean grounds. Residents accepted the system because a similar one had been installed at an adjacent privately owned property that had converted from low-income to market-rate housing. While the system costs about \$500 per unit to install and \$12 to \$13 per unit per month to operate, the PHA believes the reductions in vandalism, groundskeeping, resident turnovers and vacancies, not to mention added rent receipts, will offset the cost.

Physical and Management Improvements

continued

Housing Authority of the City of Tampa, Florida. The PHA divides large properties into smaller ones, and the fencing creates a courtyard effect that keeps out drug dealers and other outsiders. Fencing also restricts access around smaller properties, while reconstructed streets reroute traffic.

Housing Authority of the City of New Orleans, Louisiana. The PHA has established a 24-hour drug hotline that residents and neighbors in the larger community may call to give anonymous information about illegal drug activity. Tips received go to an investigator/paralegal the PHA hired to develop eviction evidence. Public service announcements on local radio and

television advertise the hotline, as do flyers, bumper stickers and signs that display the telephone number and are distributed throughout the community.

Regulations

The statutory basis for the CIAP program is found in Section 14 of the U.S. Housing Act of 1937; regulatory provisions are found at 24 CFR 968; and additional program requirements are found in HUD Handbooks 7485.1, REV-4 and 7485.2, REV-1.

References

For more information, contact:

HUD Field Office

- Chief, Assisted Housing Management Branch
- Housing Management Specialist assigned to the PHA

HUD Headquarters

- William Flood, Director, Modernization Division, Office of Public and Indian Housing (PIH), (202) 708-1640

Job training for residents is one of many eligible uses of Comprehensive Improvement Assistance Program funds.



Job Training

PHA and RMC managers may apply for CIAP funds to provide job training for public housing residents. Resident training is an eligible expense under management improvement in a comprehensive modernization program, provided the training program meets these requirements:

- On-the-job training must take place in the public housing development for which the CIAP funds are made available. You may use CIAP funds to provide training in both management and maintenance skills.
- Wages or stipends to trainees must be used for training in eligible modernization activities. You may also pay a stipend for the time the trainee spends in the classroom.
- All residents, regardless of race or age, must be eligible for the training, although a preference may be given to one group, such as youth.

CIAP allows flexibility in the design and operation of a job training program, with certain restrictions. You may decide which CIAP-related skills to teach and how many residents to train. You may provide training with your own staff or under contract with local organizations, such as vocational schools, proprietary schools or other job trainers. You may combine the CIAP funds with other Federal, State and local moneys.

Payments, such as wages or stipends, made to residents from HUD or Job Training Partnership Act (JTPA) funds are not counted as resident income. This can be an inducement for resident participation in the training program.

Eligible costs for a resident training program include the following:

- Program design and development.
- Outreach and screening of residents to be trained.
- Instructors' salaries.
- Buying or developing a curriculum.
- Books and other training materials.
- Course-related tools, building supplies and materials.
- Trainees' stipends, wages or both.
- Consultants or contractors who perform eligible training-related tasks.
- Rent, heat, light and so forth for the training facility.
- Administration.

Ineligible costs for a resident training program include the following:

- General remedial education or instruction on general social skills.
- Job counseling.
- Job development and placement.

- Supportive services during training.

Example. Housing Authority of the City of Houston (Texas). This PHA was one of 18 that participated in a HUD-sponsored job training demonstration for residents—the Minority Youth Training Initiative (MYTI). The team that designed and started the program consisted of a project director, an education specialist who taught housing management and other subjects, a counselor who recruited students and determined who was eligible and a secretary. Maintenance staff members taught maintenance skills.

The PHA developed the curriculum with the help of the Houston Apartment Association, the Human Resources Development Institute of the local AFL-CIO and the Houston Home Builders Association. During the demonstration the city conducted three rounds of training, each providing 15 weeks of training to 60 students.

JTPA funds paid for GED instruction, training in English as a second language, transportation, onsite lunches, and child and health care. As a result of participating in the demonstration, the PHA founded a training institute that combined the PHA's MYTI program with other training activities, allowing it to operate a larger training program.

Chapter 5

Drug-Free Workplaces

Public housing agency and resident management corporation managers fighting illegal drugs must keep their employees, not just their residents, drug free. You cannot tolerate employees, including management employees, who undermine community anti-drug efforts by making, selling or using illegal drugs themselves.

Establishing a Drug-Free Workplace

The Anti-Drug Abuse Act of 1988 included the Drug-Free Workplace Act of 1988 (P.L. No. 100-690, Title V, Subtitle D), which requires organizations that receive grants from Federal agencies to certify that they will provide a drug-free workplace. An interim rule (54 FR 4946-4966) on these requirements, published on January 31, 1989, became effective on March 18, 1989.

The HUD Office of Community Planning and Development published a notice on May 26, 1989, implementing the regulation (CPD-89-34) for recipients of Community Development Block Grants (CDBGs), Emergency Shelter Grants and Rental Rehabilitation Grants. The Office of

Public and Indian Housing (PIH) notice PIH 89-54 (PHA), published on December 2, 1989, governs public and Indian housing programs.

Under the PIH notice, PHAs and RMCs that receive grant funds such as operating subsidies directly from HUD must specify the locations where their employees will do the work involved in running the housing agency. The Drug-Free Workplace Act covers employees who work at those locations and operate the development; the law does not cover residents. If an RMC receives grant funds directly from HUD, it is covered by the requirements of the Drug-Free Workplace Act. If all of its funds come to it from the PHA, then the PHA bears responsibility for implementing the provisions of the Act.

A PHA that submits an operating budget for HUD approval after March 18, 1989, must certify annually to the HUD Field Office that it is making a good-faith effort to maintain a drug-free workplace. HUD will furnish a form on which to make these certifications and identify the worksites.

The PHA should give each employee a copy of a statement that

Drug-Free Workplaces

continued

says that the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in the workplace. The statement must specify the actions the PHA will take against employees who violate the ban.

The PHA must also establish and maintain a drug awareness program to tell employees about the following:

- The dangers of drug abuse in the workplace.
- Your policy of maintaining a drug-free workplace.
- Any available drug counseling, rehabilitation and employee assistance programs.
- The penalties for drug abuse in the workplace.

the unlawful manufacture, distribution, dispensing, possession or use of controlled substances is prohibited in the workplace. ●●

Dealing With a Convicted Employee

As a condition of employment by a PHA, employees must follow the terms of the statement described above and must notify the employer within 5 days of a criminal drug-statute conviction for a violation occurring in the workplace.

A PHA notified of any such employee conviction must notify the HUD Field Office within 10 days. Within 30 days, the PHA must take one of the following actions:

- Carry out appropriate personnel action against the employee, including termination if warranted.
- Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by a Federal, State or local health, law enforcement or other appropriate agency.

The PHA is not in compliance with the Act if the Secretary of HUD or official designee determines that:

- The PHA made a false certification.
- The PHA failed to carry out the requirements of the certification.
- The number of employees convicted of violations of criminal drug statutes in the workplace indicates that the PHA failed to make a good-faith effort to provide a drug-free workplace.

HUD may impose sanctions, including delayed approval of the operating budget, until the PHA complies.

Examples

Statesville (North Carolina) Housing Authority. While drug testing is not required by the Drug-Free Workplace Act, the PHA feels tough anti-drug policies should apply to employees as well as residents. Newly hired employees and employees away from work for 60 days or more must submit to drug testing. The policy also permits random testing. Employees sign a statement saying that they are aware of the policy. Thus far, one employee has been

fired, one new employee resigned rather than take the test, and one potential employee turned down a job offer because of the test.

Housing Authority of the City of Mobile, Alabama. *The Employees' Personnel Handbook* prohibits the possession or use of illegal drugs or intoxicants on PHA property. A first offense is cause for dismissal. The PHA is studying whether or not to use preemployment drug testing. It is also testing employees for whom there is a reasonable suspicion of drug or alcohol use. If a preemployment drug test is used, it must be given to all applicants for employment.

Albany (New York) Housing Authority. The PHA's Employee Assistance Program, under contract with the county, guarantees counseling and assistance to employees and members of their families with drug or alcohol abuse problems.

Housing Authority of the City of Pittsburgh, Pennsylvania. The new drug testing policy for PHA police forbids use of illegal drugs or nonprescribed controlled substances as well as the abuse of legally prescribed drugs. Violation

of the policy brings disciplinary action. The PHA conducts mandatory drug testing in the following circumstances: when a reasonable suspicion of drug use exists, as part of a drug counseling assistance program, as a condition of discipline for prior drug abuse, during a physical for promotion to higher rank or during a physical required when an employee is absent 15 days or more. The PHA guarantees confidentiality and provides the opportunity to seek rehabilitation.

References

For more information, contact:

HUD Field Office

- Director, Housing Management Division
- Resident Initiatives Coordinator in the Assisted Housing Management Branch

HUD Headquarters

- Marylea Byrd, Government Counsel, Office of the General Counsel (OGC), (202) 708-3886

Chapter 6

Resident Initiatives Against Drugs

Public housing agency and resident management corporation managers can expend a great deal of effort on security and anti-drug programs, but they are not likely to be effective unless the residents join the effort. The executive director of a northeastern PHA says, "You can't solve the problem by management only. It can't be done by the police only. Action has to come from the residents, too. They have to want to make a difference. But they can't do it alone. Everything being done here is done jointly between the police, management and the residents. The PHA must be willing to develop a partnership with the residents."

For PHAs and RMCs trying to solve the drug problem, resident involvement can determine the chance of success. The PHA, RMC, police and community-based organizations can provide tools, resources and funding, but resident involvement is the soul of a successful anti-drug program.

Resident organizations, including resident councils and resident management corporations, energize the public housing community's war on drugs. Resident involvement provides a mutual support system, a sense of pride and community control and hope for the future.

Resident Participation

HUD is a strong supporter of resident participation as formalized in 24 CFR 964 (1988) (53 FR 34676). Under this regulation, HUD encourages PHAs to talk with residents about finding useful ways in which residents can exercise participation in public housing management. A resident council may ask to be recognized as the official organization representing the residents in meetings with the PHA or with other groups. PHAs should grant formal recognition to a resident council under the following conditions:

- It represents the residents.
- If it represents residents in more than one development, it fairly represents residents from each development.
- It adopts written procedures for electing specific officers on a regular basis (at least once every 3 years).
- It has a democratically elected governing board. The voting membership of the board must consist of residents of the developments that the resident council represents.

The PHA and resident council should put their understanding of the relationship in writing.

Resident Initiatives Against Drugs

continued

“ HUD encourages resident management and requires PHAs to work with residents to determine its feasibility and to support resident efforts to form an RMC. ”

Resident Management

The same legislation that provides for resident participation in public housing management also provides for resident management, which is defined as the performance of one or more management activities for one or more developments by a resident management corporation under a management contract with the PHA. An RMC must meet certain requirements:

- It must be a nonprofit organization incorporated under the laws of the State in which it is located.
- It may be established by more than one resident council as long as each council approves the establishment of the corporation and is represented on the board of directors.
- It must have an elected board of directors.
- Its bylaws must require the board of directors to include representatives of each resident council involved in establishing the corporation.
- Its voting members must be residents of the development or developments it manages.
- It must be approved by the resident council. If there is no council, a majority of the households in the development must approve the establishment of a council to determine the

feasibility of an RMC to manage the development.

- It may serve as both RMC and resident council as long as the RMC meets the requirements for a resident council discussed above.

HUD encourages resident management and requires PHAs to work with residents to determine its feasibility and to support resident efforts to form an RMC. PHAs must give full and serious consideration to RMCs seeking to enter into management contracts, enter into good faith negotiations with them and make every reasonable effort to come to terms with them.

Funding and Technical Assistance

Technical assistance funds were awarded in fiscal years 1988, 1989 and 1990 to resident councils and RMCs. Additional funds may be available in the future. Such funds may be used to pay the cost of a management specialist required by regulation to help resident councils establish RMCs and provide training in the daily operation of a development.

The Office of Resident Initiatives in HUD's Office of Public and Indian Housing provides technical assistance to PHAs, RMCs and residents to promote resident management and resident involvement in the fight against illegal drugs.

Examples

RMCs, resident councils and other resident organizations are responsible for many anti-drug success

stories, including organization of resident patrols, development and encouragement of youth, initiation of education and outreach programs and establishment of hot-lines to receive anonymous tips about drug activity. Resident groups also work cooperatively with the PHA, local police and social service agencies to prevent and control drug abuse.

Bromley-Heath Resident Management Corporation, Boston, Massachusetts. The oldest resident management corporation in the country, Bromley-Heath RMC has combined good management techniques with a comprehensive approach to residents' need for social service programs and economic development projects. Even before the RMC was incorporated, residents established a health clinic, a community center, special tutorial programs for youngsters and the nationally recognized Community Patrol that dramatically curbed a rising crime wave. Previously, Bromley-Heath had earned the nickname "concrete jungle" because of the high rate of crime and drug dealing. The RMC strengthened the Community Patrol by recruiting more residents for foot patrols and by identifying and marking all valuables on the Bromley-Heath premises. Bromley-Heath has been nationally recognized for its resident-based anti-drug initiatives.

A. Harry Moore Tenant Management Corporation, Jersey City, New Jersey. During the early 1970s, the A. Harry Moore public housing development was "high-rise, high density, high risk and high despair." Crime, vandalism, littered hallways, out-of-order

elevators and a 20-percent occupancy rate contributed to its many problems. But concerned residents began to work hard at self-initiated site improvement and security programs. A majority of the residents were black, single, low-income parents and female heads of households on welfare, with an average of three children each. The seriousness of the situation and the danger that the deterioration might result in tearing down the development sparked the A. Harry Moore Tenant Management Corporation to take major steps to restore and upgrade the public housing community.

The Jersey City Housing Authority renewed the old buildings on the condition that resident volunteers maintain the improvements and prevent vandalism. Through neighbor-by-neighbor, floor-by-floor canvassing, the resident group recruited volunteers to monitor lobbies and halls and improve building security. Within 2 years, more than half of the 125 rundown, vacant units had been renovated and reoccupied as family units. The incidence of major crimes, which had been

“Resident groups also work cooperatively with the PHA, local police and social service agencies to prevent and control drug abuse.”

Resident Jerry Latno keeps an eye on things in the Dyson Circle development in West Palm Beach, Florida, by patrolling the area on his bicycle.



Resident Initiatives Against Drugs

continued

three times the city's average, was reduced to a level below that of the city as a whole. Once security measures were put in place, the resident council began improving exterior grounds, which were commonly referred to as "no man's land" because of high crime and drug activity. With Federal capital improvement grants, the resident organization supervised a complete renovation that included recreation areas, parking, lighting and walkways.

Kenilworth-Parkside Resident Management Corporation, Washington, D.C. Kenilworth-Parkside once had a reputation as a dumping ground for drugs and crime. The turning point came when residents confronted those problems and formed a resident management corporation. Within 4 years of the RMC's formation in 1982, crime had been reduced by 75 percent. The Kenilworth-Parkside Substance Abuse Program and the Kenilworth-Parkside Teen Council, which stress family participation, entrepreneurship and cultural enrichment, offer substance abuse counseling in a multifamily atmosphere to encourage peer support and help from those who share common concerns. Daily Narcotics Anonymous meetings and emergency counseling serve those who need more intensive help.

Housing Authority of the City of Montgomery, Alabama. A spirit of cooperation encouraged residents to join PHA staff and local citizens to "clean up and change the image" of Cleveland Court, a high-crime, high-drug area. The development, now the Rosa L. Parks Housing Complex, was named in honor of the former resident and black activist whose refusal to give up her seat on a segregated local bus in 1955 was a milestone in the civil rights movement. Young Montgomery public housing residents participate in Scouting, 4-H and other youth activities—alternatives to the drug culture. The local First Baptist Church is adopting the Victor-Tulane Housing Community and plans to make sizable contributions of time and money to assist the residents.

References

For more information, contact:

HUD Field Office

- Resident Initiatives Coordinator in the Assisted Housing Management Branch

HUD Headquarters

- David Caprara, Deputy Assistant Secretary for Resident Initiatives, Office of Public and Indian Housing (PIH), (202) 708-0950
- Patricia Arnaudo, Director, Resident Management Staff, Office of Resident Initiatives, PIH, (202) 708-3611

Chapter 7

Case Examples

The following examples of successful anti-drug strategies show what a public housing agency or resident management corporation can accomplish through cooperation, dedication and a systematic approach to drug-related problems. Effective anti-drug programs have these common characteristics:

- The programs begin in response to a crisis situation. Increased security makes residents less likely to feel that “things are out of control.”
- Housing agencies, HUD staff, residents, local agencies and community leaders cooperate. Resident involvement and community volunteerism are essential.
- Program leaders rely on common sense, rather than traditional approaches, to find creative solutions. Programs are local in scope, and leaders are compassionate but firm. Leaders, whether housing officials, staff or residents, bring a strong commitment and high energy levels to the programs.
- Community and private-sector funding complement local, State and Federal government resources. Many creative prevention programs are low-cost or no-cost efforts.
- The programs include law enforcement, drug abuse intervention and prevention and improved management practices. Programs prove their worth by providing statistics such as less school absenteeism, less vandalism and lower vacancy rates. Youth are the primary target audience for prevention activities.
- Program leaders communicate clear behavioral expectations and provide incentives to encourage responsible behavior and punish violators. Program leaders also use lease agreements as a management tool to control behavior.

Manchester Housing Authority

The Manchester (Ne) Housing Authority (opened a complete drug prevention program serious drug problem started by hiring a youth substance abuse coordinator developing joint efforts agencies and residents

Case Examples

continued

Then the authority named a communitywide advisory committee to set goals and help get the program moving. The MHA anti-drug initiative includes lease redefinition and eviction enforcement, law enforcement and youth and educational programs.

MHA set up new applicant screening procedures and redefined certain lease provisions to prevent criminal offenders from living in public housing. MHA also reviews applicants' rental and police record reports. Residents are automatically evicted if convicted of a drug-related crime.

MHA's approach to law enforcement involves both police and residents. The Manchester Police Department has coordinated a Neighborhood Crime Watch among the residents, and in the summer months, police patrol the larger developments each night.

School Department officials identify students who need assistance and pair them with high school students. The program offers support and positive role models, and all participants have shown improvement in school work and attitude. Working with outside agencies, Youth Services also offers educational programs on first aid, babysitting, urban ecology, sexual abuse, AIDS and teenage pregnancy.

Another program, Project TEACH (Teens of Elmwood Against Chemicals and for Health), trains and organizes teenagers to educate other young people on the dangers of drug and alcohol abuse. Activities include monthly discussion forums, alternative activities, a youth advisory committee and development of a library.

MHA also works with outside agencies to provide youth with alternatives to drugs, such as recreational and athletic programs and summer day camp.

MHA's comprehensive approach to the roots of drug involvement—providing positive role models, punishing wrongdoers and offering self-improvement opportunities and recreation—has dramatically decreased drug abuse and trafficking in its housing communities. MHA estimates that these efforts save \$24,336 annually in vandalism repairs.

Housing Authority of the City of High Point

The Housing Authority of the City of High Point (HPHA), North Carolina, cooperates with a number of civic organizations and

government agencies in its anti-drug efforts. HPHA has launched a series of comprehensive management, law enforcement and substance abuse prevention measures to reduce the use of drugs in its housing communities.

During the admissions process, HPHA checks applicants' criminal backgrounds and rental histories and interviews each applicant. In addition, experienced housing managers conduct unscheduled and unannounced home visits to inspect the housekeeping habits and lifestyles of potential residents.

The housing authority strictly enforces lease terms concerning criminal violations and the right of public housing residents to "peaceful enjoyment of accommodations." To strengthen this effort, HPHA has established an excellent working relationship with the High Point Police Department. The agency has informed the police department of the locations of all public housing and Section 8 properties, and the police notify HPHA at once when a resident is arrested.

Cooperation with the police department extends to other law enforcement activities. HPHA residents participate in the local Crime Stoppers program by anonymously reporting drug or other criminal activities, and the police work with HPHA to guarantee adequate police protection for the housing communities.

In its prevention efforts, HPHA cooperates with the High Point Drug Action Council, the Salvation Army, local schools and social service agencies to sponsor Just

Say No Clubs, Boys and Girls Clubs, Youth Councils and Little League baseball teams. These activities serve all seven of its residential areas and involve almost a third of the youth.

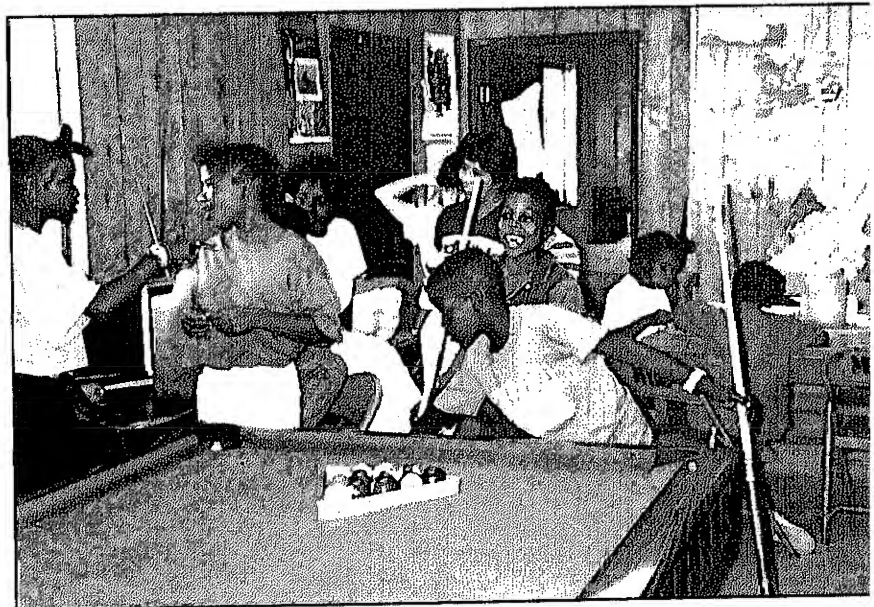
By providing a variety of educational, recreational and service experiences, the clubs strengthen children's determination to lead drug-free lives. The goal of club activities is to encourage a child's development—not just to provide recreation and entertainment.

Youth leaders who were raised in public housing serve as positive role models for the children, and programs emphasize the "three R's:" respect, responsibility and recognition of successes and limitations.

In early 1989, the police department reported a decrease of more than 30 percent in drug-related crime since prevention activities began in 1987.

“... the housing authority has established an excellent working relationship with the High Point Police Department.”

Boys and Girls Clubs provide recreational and social activities for youth in public housing.



Case Examples

continued

Housing Authority of the County of Contra Costa

The Housing Authority of the County of Contra Costa (HACCC), California, has developed a modern, comprehensive anti-drug plan that combines strong law enforcement, management tools, lease enforcement, community support and drug prevention programs.

One law enforcement method is the "Buy Program," which allows city and county police to operate undercover in public housing. In the last 3 years, the program has helped the city of Pittsburg, California, police make 129 arrests in the El Pueblo development, one of the first developments targeted by HACCC. The Contra Costa County Sheriff's Department, which runs the program in unincorporated county areas, has made 138 arrests in 3 years. The total yearly funding for the Buy Program is \$22,500.

HACCC, working closely with local police and a security firm, has begun several security measures. Law enforcement personnel write daily reports to start and record eviction actions. The agency and police worked with resident councils to form a Neighborhood Watch Program, and HACCC installed security improvements such as fences and lighting. These security measures

have helped bring about a 73-percent drop in the number of criminal incidents in the El Pueblo development from 1988 (22 incidents) to 1989 (6 incidents).

HACCC's revised admission and occupancy policies enable it to legally deny admission to an applicant based on the applicant's or a household member's criminal history. A private firm screens applicants and checks their criminal backgrounds. People to be added to an existing lease are also screened.

HACCC hired a crime prevention specialist to work with residents and local agencies in developing drug education and prevention programs. The agency worked with residents to launch a "Just Say No" campaign and passed out anti-drug literature to residents. To provide recreation and education for youth, HACCC contracted with the Camp Fire Program to hold an annual 2-week summer program called "Crimebusters" and supported the formation of the El Pueblo track team for public housing youth.

Other prevention programs combine resources to focus on the underlying causes of drug abuse and trafficking. For example, HACCC established Boys and Girls Clubs through a grant from the Federal Office for Substance Abuse Prevention. Another after-school recreational program started in cooperation with the City of Pittsburg Leisure Services Program.

To encourage public housing youth to seek higher education, HACCC established a college scholarship program. For adult education, the authority, in cooperation with the

“... the authority established Boys and Girls Clubs through a grant from the Federal Office for Substance Abuse Prevention.”

City of Pittsburg Adult Education Program, instituted a GED program that served 73 people in its first year. HACCC provides job training in conjunction with the Private Industry Council and the Career Development Program of Contra Costa County. Child care centers in four developments make it easy for residents to participate in job training.

Omaha Housing Authority

When the Bloods and the Crips, two violent, drug-running gangs, invaded public housing in Omaha, Nebraska, the Omaha Housing Authority (OHA) moved quickly to fight back. OHA's program combined a tough stand on evicting criminals and drug dealers with a fair, compassionate and commonsense approach toward innocent victims and families.

To prevent the gangs from controlling the lives of youth, OHA established an innovative method to inspire young people through role models. In Operation Shadow, OHA youth are paired with an OHA staff member such as a housing maintenance worker, a project manager or an office supervisor. The youth follow the employees as they perform their daily duties. OHA staff also take them fishing, to baseball games, to the zoo and on other outings. The leaders of Operation Shadow remind the youngsters that people from everyday surroundings can set a good example.

A community-based approach is the key to OHA's success. The housing authority cooperates with corporations, local government

agencies, schools, the Urban League and the National Conference of Christians and Jews. OHA joined with the Chamber of Commerce and local businesses to provide \$400,000 for summer jobs, internships and training.

OHA leaders encourage youth to study and urge their parents to keep them in school. Local college students and employees of Northwestern Bell Telephone tutor students with academic problems. Parent-teacher meetings are held in the public housing community. A community education foundation awards a \$100 savings bond to any student with a year's perfect attendance in school. The PHA has established a foundation that provides educational programs and incentives, including scholarships for high school students who live in public housing and have attained academic excellence.

The emphasis on education resulted in two notable successes: Student absenteeism dropped dramatically, and academic achievement improved so much that 91 pupils have earned a 3.0 grade point average. Formerly only five had done so.

Businesses provide summer jobs, churches provide services, schools donate books and local government officials take notice. OHA leaders feel that involving the entire community removes people's excuses for not participating.

Chicago Housing Authority

One of the Chicago (Illinois) Housing Authority's (CHA) most pressing needs is to reclaim its

“... the Omaha Housing Authority established an innovative method to inspire young people through role models.”

Case Examples

continued

“The Chicago Housing Authority has realized a savings of \$3,000 per unit in repairs due to reduced vandalism and destruction.”

developments from gangs. Based on the notion that outside influences wreak havoc on an essentially law-abiding but vulnerable resident population, CHA's Operation Clean Sweep has been at the forefront of CHA's anti-drug initiative since it began in September 1988. Operation Clean Sweep has enabled CHA to secure the most threatened buildings from criminals, restore and reoccupy vacant units and organize residents to resist further attacks on their well-being.

During a sweep, a building is physically blocked off with perimeter fencing, legitimate residents are issued identification cards and guests who enter a building are properly registered. All units and common areas are inspected to identify necessary repairs and to make sure only legitimate residents remain inside. If, during the inspection, they find drugs or other contraband, the staff members call the police and file a complaint. The police can then enter the unit and make an arrest. The searchers carefully comb vacant units for drug storage.

After the sweep comes a great deal of followup. The staff must perform all repairs noted in the inspection, prepare vacant units for occupancy and then rent them. More permanent, attractive fencing and guard posts replace the temporary ones. The lobby is made secure, and residents must leave and enter through a controlled

access point. All guests must sign in and out. To reduce security costs, residents learn to staff the access point. The cleaned-up building now can house necessary social services, particularly for those with drug problems. Resident participation helps protect the new physical and social improvements.

A sweep costs approximately \$2,880 per unit, with additional ongoing costs for security and resident services. At this writing, 15 buildings have been swept, including all 8 highrises in Rockwell Gardens. The CHA has realized a savings of \$3,000 per unit in repairs due to reduced vandalism and destruction. The residents of Rockwell Gardens once again feel secure in their homes, and many residents at other developments are petitioning CHA to have their buildings swept. While the sweep is an intensive security measure, it goes beyond security to enable CHA to resume normal and effective property management.

CHA's anti-drug efforts involve more than just security and physical improvements. The agency also provides intervention programs designed to break the drug cycle. Substance abuse in CHA developments had reached epidemic proportions before the sweeps. Now CHA's intervention and referral counselors identify substance abusers within the developments and refer the residents to treatment centers throughout the city. In addition, the Human Resource Development Institute, a private service provider under contract to CHA, provides three outpatient treatment centers on CHA grounds and two referral centers for substance abusers. The institute also trains CHA residents as State-certified prevention

specialists who learn to identify substance abusers and assist them with referral and treatment options.

Just as Operation Clean Sweep reduces the cost of vandalism to its units, CHA's program to identify, treat and counsel addicts minimizes the human costs associated with substance abuse.

Bromley-Heath Resident Management Corporation

Bromley-Heath Resident Management Corporation (RMC) in Boston, Massachusetts, is the oldest resident management corporation in the country. This RMC has combined good management techniques with a systematic approach to addressing resident needs using community social service and economic development programs.

Bromley-Heath RMC pioneered the concept of resident patrols. Its community patrol provided basic protection for residents in public housing communities that were often neglected by the police. At first these patrols were at odds with the police, but they have since become allies and now coordinate efforts to provide personnel and training. The community patrol is the cornerstone of the Bromley-Heath security efforts.

The RMC has also developed a security program for residents who do not want to, or cannot, participate in a resident patrol. As part of the "window watch" campaign, residents set aside a certain period of their day to look out their windows for suspicious activity.

In addition to security, many of Bromley-Heath's resident-run drug prevention programs target youth. A youth sports jamboree brings young residents together through organized athletic competition. Family days and cookouts encourage the residents to spend time with each other in comfortable surroundings. The resident council also has strong and effective support groups for addicts.

Kenilworth-Parkside Resident Management Corporation

Kenilworth-Parkside Resident Management Corporation (RMC) in Washington, D.C., has established a number of resident-run programs to fight drug abuse and related problems in its public housing community. One such program, the three-part Kenilworth-Parkside Substance Abuse Program (SAP), focuses on preventing substance abuse, steering residents toward positive goals and referring residents to treatment programs when needed. SAP's philosophy is that the abuser does not exist only in a world of alcohol and drugs, but is also part of a family that in many cases enables the abuse to continue. The program's strong youth services component stresses education, business and job development and a broad range of cultural activities.

The program provides 10 services:

- Seminars that educate all households about substance abuse prevention.

“Bromley-Heath RMC pioneered the concept of resident patrols.”

Case Examples

continued

- Small-group training for all block and floor captains in addressing substance abuse.
- Family relationship seminars for residents.
- Special group sessions for women.
- An educational program for preschool children, known as the Kenilworth-Parkside Early Learning Center.
- Business programs for youth, called "Business for Youth Employment," sponsored by the Program Teen Council.
- Special programs for the elderly.
- A summer youth leadership academy that focuses on abuse prevention and leadership development.
- Two homework centers, open 4 days a week.
- Weekly recreational and cultural trips away from Kenilworth-Parkside.

Chapter 8

Resources

Public housing agency and resident management corporation managers need funding and other help to support efforts against drug use and abuse. This chapter describes potential HUD and other sources of funds that you can use to supplement your anti-drug programs supported by operating subsidies, as discussed on page 21.

HUD Financial Resources

Public Housing Drug Elimination Program

The Drug Elimination Act of 1988 established funding for PHAs and Indian Housing Authorities to eliminate drug-related crime. The maximum size of a grant varies with the size of the PHA or IHA. The distribution formula, selection criteria and maximum grant award amounts are included in a NOFA published each year in the *Federal Register*. Further details are available in the Final Rule (55 FR 27598). Contact HUD at the address below for application and funding details.

To receive funding, you should develop a plan that reflects a

communitywide approach for eliminating drug-related crime, including extensive resident involvement and support from public and private organizations.

Grant funds may be used to:

- Hire security personnel and investigators.
- Support resident patrols.
- Reimburse local law enforcement agencies for the cost of providing extra protection.
- Install physical improvements to enhance security.
- Set up innovative programs to reduce drug use.
- Fund security and drug abuse prevention programs developed by RMCs and resident councils (RCs).

In general, a PHA or IHA may attempt any of the eligible activities itself or contract with a qualified third party, including an RMC or incorporated RC (FR 38496–38506 (1989).) For further information contact Julie Fagan, Director, Office for Drug-Free Neighborhoods, Office of Public and Indian Housing (202) 708–1197.

Resources

continued

Resident Management

HUD announced its Final Rule for the Resident Management in Public Housing Program on September 7, 1989 (FR 34676-34685 (1989)). It provided for resident management of public housing by allowing resident councils to approve the formation of an RMC. As discussed on page 32, HUD provides grants to assist resident groups interested in training for resident management.

A qualifying RMC and a PHA may enter into a management contract that establishes the management rights and responsibilities of each. The program gives PHAs and RMCs wide choices in setting up their contract roles and relationships. RMCs may keep any income that they generate in excess of estimated revenues for the project. Retained amounts may be used to improve the maintenance and operation of public housing communities, to set up business enterprises that employ public housing residents or to acquire additional dwelling units for lower income families.

For further information, contact Patricia Arnaudo, Director, Resident Management Staff, Office of Resident Initiatives, PIH (202) 708-3611.

Public Housing Child Care Demonstration Program

The Public Housing Child Care Demonstration Program provided grants to nonprofit organizations to help start child care centers so that parents or guardians of preschool or school-age children could look for, train for or keep jobs. The demonstration also intended to find out how the availability of child care affects the ability of public housing residents to hold jobs. While additional funds have not been made available, you may wish to consider the use of local funding for this program.

Any nonprofit organization was eligible for a grant. A PHA, IHA, Indian tribe or other governmental body seeking funds first set up a separate nonprofit unit with the following features:

- A voluntary board.
- An accounting system run according to government and financial reporting standards.
- Nondiscriminatory practices for giving help under the demonstration.

Grant funds could be used for operating expenses and minor renovation of child care facilities (FR 29840-29849 (1989)). The maximum grant award amount was \$100,000. HUD recommended that applicants use the grant for startup or one-time costs.

For further information contact Annette Hancock, Contracting Officer, Office of Procurement and Contracts, Office of Administration (202) 708-1585

66 *The program gives PHAs and RMCs wide choices in setting up their contract roles and relationships.* 99

Resident Management Homeownership Program

HUD invited PHAs and RMCs to apply for participation in the Resident Management Homeownership Program in a notice (FR 42558-44561 (1988)) published November 3, 1988. The program authorized an RMC with at least 3 years' experience in successfully managing public housing to buy its building from a PHA. An RMC may sell the units to lower income community residents or other low-income families. For further information contact Gary Van Buskirk, Director, Homeownership Division, ORI (202) 708-3611.

Comprehensive Improvement Assistance Program

Both physical and management improvements are eligible for funding in the Comprehensive Improvement Assistance Program (CIAP). PHAs and RMCs may request funding for anti-drug efforts under CIAP.

For detailed information on the use of CIAP funds for drug elimination activities, see Chapter 4, Physical and Management Improvements.

For other CIAP information, contact William Flood, Director, Modernization Division, Office of Public and Indian Housing, (202) 708-1640.

Community Development Block Grants (CDBGs)

In addition to funds made available to PHAs through CIAP, operating subsidies, and the other sources described above, CDBG funds may be used to support public housing programs and initiatives.

The CDBG program provides funds to State and local governments to pursue local community and economic development objectives. Priorities for using these grant funds are determined at the local level, provided the funds meet the needs of the community's low- and moderate-income households. Funds are provided, by formula, directly to large cities and urban counties (entitlement grants) and to States for competitive grants for small cities with fewer than 50,000 population.

CDBG communities are encouraged to use CDBG funds for anti-drug efforts. A Notice (see below) has been published by HUD that outlines the eligible anti-drug uses of CDBG funds.

Procedures. To receive CDBG funds, you must apply to your State or local government agency responsible for managing the funds. If you do not know the agency in your State, county or city, contact your State or local government office or the Director for Community Planning and

“CDBG communities are encouraged to use CDBG funds for anti-drug efforts.”

CDBG funds can support special after school classes and activities.



Resources

continued

66 . . . PHAs have used CDBGs to fund educational programs on drug abuse and rehabilitation and counseling programs . . . 99

Development in the nearest HUD Field Office.

CDBG regulations require annual public hearings to give community residents a voice in how funds will be used. Public hearings must be announced in advance, and each grantee establishes its own process for meeting HUD's public hearing requirement.

Eligibility. HUD Notice CPD-89-28, issued on April 27, 1989, clarifies how CDBG funds may be used for a broad range of activities concerning drug abuse problems. The eligible activities described below show how cities and PHAs cooperate to meet resident needs.

Section 570.201 (Basic Eligible Activities) defines public services such as "crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation, welfare or recreational needs" as eligible activities. Section 570.202 (Eligible Rehabilitation and Preservation Activities) makes "low-income public housing and other publicly owned residential buildings . . ." eligible for CDBG funds. Part b of this section allows for the installation of security devices. No more than 15 percent of the grant award can be used for public service activities.

Examples. Local governments, PHAs and residents of public housing work together to use funds available through CDBG to resolve drug problems. In the examples

below, when the PHA is not specifically mentioned, the program is operated by the city but PHA residents take part in the programs.

CDBG funds have been used to increase law enforcement services to stop the sale of illegal drugs in assisted housing, catch sellers of such drugs and reduce drug-related crime in assisted housing.

New York, New York. The city provided \$1,641,000 in CDBG funds for contract security services to protect public housing residents and property in developments with a history of drug-related crime.

Baltimore, Maryland. The Baltimore Housing Authority received \$800,000 in CDBG funds to provide additional security guards for public housing communities throughout the city.

Dallas, Texas. The Dallas Housing Authority received \$300,000 in CDBG funds for increased security services at six public housing communities. The funds bought onsite security services to protect residents and structures from theft and vandalism.

The following are examples of ways PHAs have used CDBGs to fund educational programs on drug abuse and rehabilitation and counseling programs for affected residents of assisted housing.

Dallas, Texas. The city instituted the Inhalant Abuse Prevention Program, which provides educational programs and counseling on inhalant abuse. In fiscal year 1987, the program served 800 people through approximately 25 inhalant abuse training sessions, 4 AIDS training sessions, counseling services for more than 60 people and additional related counseling

and education. The city allocated CDBG funds totaling \$35,000 for this program.

Somerville, Massachusetts. The Somerville Housing Authority started a youth education program to counsel teenagers and children on drug abuse. The program, coordinated with local police and law enforcement officials, also provides training and employment opportunities for known drug users. The program is funded through the CDBG program and a reimbursement of the PHA's Payment in Lieu of Taxes (PILOT).

Baltimore, Maryland. The city enrolled 1,301 youths in its CDBG-funded Youth Development Program, which provides a complete range of youth services and activities in drug abuse prevention, education, job preparation and crime prevention.

El Paso, Texas. The city provided \$77,900 in CDBG program funds in fiscal year 1987 to Alivihne, Inc., for youth counseling and intervention services to young people with drug problems. When necessary, the program also provided additional services.

The following are examples of CDBG funds which have been used for recreational programs for youth and young adults living in assisted housing.

El Paso, Texas. The city provided \$28,900 in CDBG funds to the El Paso Housing Authority for recreational and motivational activities for low- and moderate-income youth 16 and younger who live in public housing. The city also developed a Gang Intervention Program to provide tutoring, group counseling and guidance

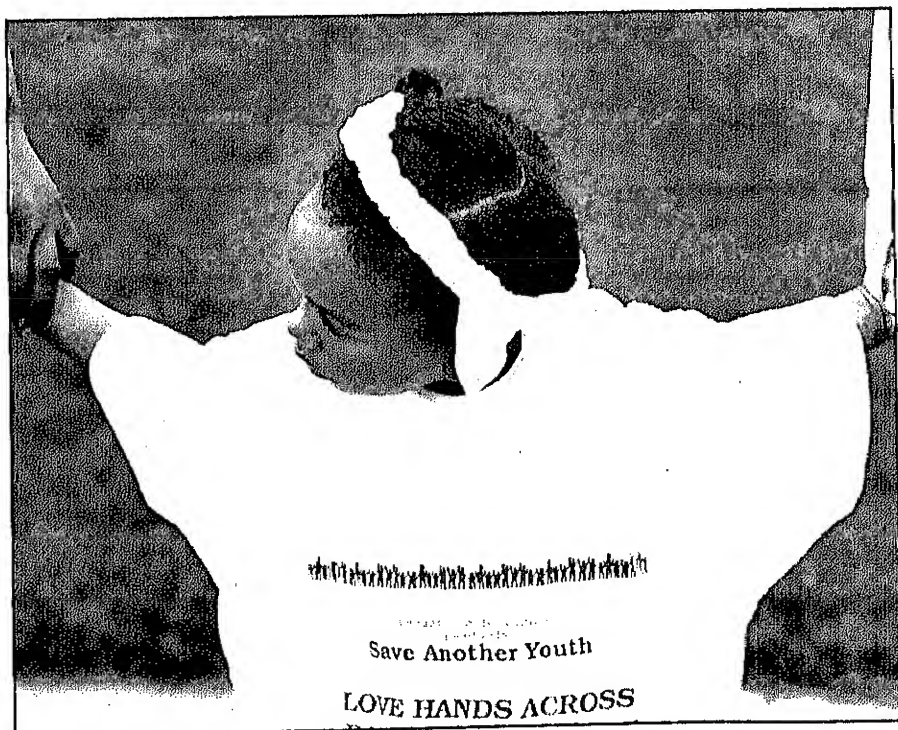
sessions and onsite negotiation sessions to reduce gang tensions and activities. The program includes educational presentations, counseling, advocacy, small-group discussions, job referral services and sports activities to prevent and defuse gang activities in low- and moderate-income areas.

Baltimore, Maryland. The city operates a football league to provide recreation for children and families in the Cherry Hill and Park Heights public housing communities. Approximately \$45,000 in fiscal year 1987 CDBG funds support this activity.

St. Louis, Missouri. The city provided a grant to the Optimist Club for administrative expenses of youth housing and recreational programs. The Optimist programs include developing and operating sports activities for young people in two St. Louis neighborhoods;

“... CDBG funds have been used for recreational programs for youth and young adults living in assisted housing.”

Communitywide rallies are among the strategies used to involve residents in the fight against drugs and crime in public housing.



Resources

continued

“... CDBG funds provide training and other opportunities for community residents. ”

developing group work activities and special programs or classes for area youth; and providing low-income youngsters with meals, counseling and crisis intervention assistance.

The following are examples of ways CDBG funds have been used to start day care and afterschool care programs for children of working parents living in assisted housing.

Baltimore, Maryland. The city gives tutoring to students ages 7 to 15. Approximately \$23,000 in CDBG funds provided 138 students with tutoring. The city also provided \$247,000 in block grant moneys to fund a high school academy with free services to low- and moderate-income families.

St. Louis, Missouri. The St. Louis Housing Authority provides child care and preschool development to 36 children ages 2 to 6 whose parents work in job training programs, receive Aid to Dependent Children or have income below HUD assistance eligibility guidelines. A total of \$31,000 in CDBG funds supports the program.

The following examples illustrate the use of CDBG funds to finance the redesign and modification of public places to improve physical security in assisted housing communities. Such programs secure hard-to-police places plagued by drug-related crime.

Phoenix, Arizona. The Phoenix Neighborhood Improvement and Housing Department received CDBG funds in fiscal year 1987 to improve security in public housing units: adding new or replacement security lighting, installing a new heavy-duty security screen and replacing entry doors and locksets. The PHA also installed controlled-access security systems in senior citizen public housing developments. Five locations received new telephone-activated entry systems.

Dallas, Texas. The housing authority used CDBG funds to install electronic camera and card monitoring systems in public housing.

The following are examples of ways CDBG funds provide training and other opportunities for community residents.

Baltimore, Maryland. The city joined the PHA in setting up on-the-job training programs in public housing communities, using approximately \$195,300 in CDBG funds.

Washington, D.C. The District of Columbia set up the D.C. Poor Peoples Development Foundation, Inc., with CDBG funds. The foundation operates a demonstration training program to give public housing residents the tools to establish cooperative businesses, industries and services. Thirty public housing residents each took 64 hours of training in a 4-month period. Cooperative projects resulted at 12 public housing communities.

References

For more information, contact:

HUD Field Office

- Director, Community Planning and Development Division

HUD Headquarters

- Don Patch, Director, Office of Block Grant Assistance, Office of Community Planning and Development (CPD), (202) 708-3587

Other HUD Assistance

Office for Drug-Free Neighborhoods

The Office for Drug-Free Neighborhoods is founded on the belief that local people are best positioned to solve local problems. It is at this level that values and attitudes can be influenced to eliminate substance abuse from our neighborhoods. In the realm of public and assisted housing, "local people" include PHAs, RMCs, residents and other key community representatives.

HUD's role is to provide leadership and support that foster creativity and reinforce success by making visible the many grassroots-level solutions. HUD regional and local staff act as facilitators, mediators, trainers and consultants to encourage local program implementation.

Secretary Kemp has established the position of Resident Initiatives Coordinator (RIC) in HUD Regional and Field Offices. The RICs are responsible for providing assistance and information to public housing officials and

residents. For assistance, call your nearest Field Office and ask for the RIC or Drug Coordinator (see Appendix D).

The methods used to share information are the Drug Information & Strategy Clearinghouse, training and technical assistance.

Drug Information & Strategy

Clearinghouse. The Drug-Free Public Housing Act of 1988 mandates the creation of a clearinghouse to "receive, collect, process and assemble information regarding the abuse of controlled substances in public housing projects" and to respond to information requests from the public.

The clearinghouse encourages PHA officials and residents to develop comprehensive, communitywide strategies to fight drug abuse and trafficking, using law enforcement, prevention and management improvement tools. Clearinghouse services include:

- **Custom Information Searches.** The database includes information on the efforts of PHAs and resident and community groups across the country. These range from model programs to general strategies, such as law enforcement plans, and specific efforts, such as resident patrols.
- **Newsletters.** Quarterly updates on model programs, grant information and other anti-drug efforts.
- **Resource Guides.** "How-to" guides, model programs and lists of funding and information sources.

Training. Pursuant to the mandate contained in the Anti-Drug Abuse

“... values and attitudes can be influenced to eliminate substance abuse from our neighborhoods.”

Resources

continued

Donations of other resources, such as products and services, can be sought from the local community.

Federal Agencies

ACTION-The National Volunteer Agency Drug Alliance

1100 Vermont Avenue NW,
Washington, DC 20525
Phone: (202) 634-9759
Contact person: Calvin Dawson,
Acting Director

United States Department of Health and Human Services Alcohol, Drug Abuse and Mental Health Administration

Grant Management Office
Parklawn Building
5600 Fishers Lane
Rockville, MD 20857
Phone: (301) 443-4147
Contact person: Steve Gane

United States Department of Health and Human Services National Institute on Drug Abuse

Grant Management Office
Parklawn Building
Room 8A-54
5600 Fishers Lane
Rockville, MD 20857
Phone: (301) 443-6710

United States Department of Health and Human Services Office for Substance Abuse Prevention

Division of Demonstration and
Evaluation Programs
Security Lane, Rockwall II
Rockville, MD 20857
Phone: (301) 443-4564
Contact person: Pamela
Williams

Act of 1988, HUD is developing a regional training program for public housing officials and residents that will utilize teleconference technology and national workshops. Regional training workshops and conferences are also being conducted by HUD Regional Offices and national and regional trade associations.

Technical Assistance. A technical assistance network has been developed to link experts with those who need assistance and to encourage peer consultation concerning effective methods. In addition, "Operation Jumpstart" provides timely response teams for drug-related crisis situations in public and assisted housing.

For further information contact Julie Fagan, Director, Office for Drug-Free Neighborhoods, PIH (202) 708-1197.

Potential Funding Sources

There are many government agencies and other organizations that support drug prevention activities, either by providing financial support or donating products and services. The Federal agencies and foundations listed below provide funding for many types of drug prevention programs. For specific information about current funding availability, contact the individuals listed.

66 *There are many government agencies and other organizations that support drug prevention activities . . .* 99

**United States Department of
Justice
Bureau of Justice Assistance**

633 Indiana Avenue NW.
Washington, DC 20531
Phone: (202) 514-6211
Contact person: Mike Dalich,
Deputy Director

**United States Department of
Justice
National Institute of Justice**

633 Indiana Avenue NW.
Washington, DC 20531
Phone: (202) 272-6011
Contact person: Martin Lively

**United States Department of
Justice
Office of Juvenile Justice and
Delinquency Prevention**

633 Indiana Avenue NW.
Room 744
Washington, DC 20531
Phone: (202) 724-5911

Foundations

There are many private foundations that provide grants to non-profit groups for social service programs. Although the programs they fund are not specifically about drugs, activities that provide alternatives to drug involvement can be considered drug prevention activities. Some of the major foundations are listed below. A nonprofit organization, the Foundation Center, has a network of libraries that maintain information about foundation funding. For further information call the Foundation Center at (800) 424-9836.

**Ford Foundation
Urban Poverty Program**

320 East 43rd Street
New York, NY 10017
Phone: (212) 573-4634
Contact person: Robert Curvin,
Director

The Ford Foundation Urban Poverty Program provides grant funds for community revitalization; housing rehabilitation; services to children, youth and families; youth employment programs and neighborhood security.

Gannett Foundation

1101 Wilson Boulevard
Arlington, VA 22209
Phone: (703) 528-0800

Grants are available in cities in which a subsidiary of the Gannett Communications Corporation operates. Grant applications and further information can be obtained from the above address, but completed applications must be sent to the chief executive officer of the Gannett subsidiary in your community.

General Electric Foundation

3135 Easton Turnpike
Fairfield, CT 06431
Phone: (203) 373-2211

G.E. sponsors mentoring and scholarship programs for minorities, and the awards are given to local schools. The foundation also has an employee contribution matching program. G.E. employees who grew up in public housing are a potential resource.

“There are many private foundations that provide grants to nonprofit groups for social service programs.”

Resources

continued

J.M. Foundation

60 East 42nd Street, Suite 1651
New York, NY 10165
Phone: (212) 687-7735

Although the J.M. Foundation primarily gives grants to organizations for health and rehabilitation programs and for education and policy research, the foundation has funded community-based anti-drug efforts.

Robert Wood Johnson Foundation

The Vanderbilt Clinic
1301 22nd Avenue, South
Room 2553
Nashville, TN 37232-5305
Phone: (615) 343-9603

Contact person: W. Anderson
Spickard, Jr., MD, Program
Director, Fighting Back

This foundation sponsored a 1989 grant program called Fighting Back: Community Initiatives to Reduce Demand for Illegal Drugs and Alcohol. The program was designed to support intensive community-wide initiatives to create drug and alcohol use reduction programs.

The Jostens Foundation

5501 Norman Center Drive
Minneapolis, MN 55437
Phone: (612) 830-3300

Grants are only available for nonprofit groups in cities where

a Jostens plant is located. Eligible program areas include education, social services and health. Selections are made by a plant Contributions Committee and awards are matched by the Jostens Foundation.

Henry J. Kaiser Foundation

2400 Sand Hill Road
Menlo Park, CA 94025
Phone: (415) 854-9400

Offers a health promotion program that helps people stay away from alcohol and other drugs.

Kauffman Foundation

Project STAR
P.O. Box 8480
Kansas City, MO 64114
Phone: (816) 363-8604

Project STAR is an alcohol and drug abuse prevention program operated in cities nationwide.

Information Resources

Listed below is a sampling of national information resources, both Federal and nonprofit, on the topic of drugs. Some offer free publications and other products; some sell the materials they produce. All will send free information about the products they distribute—ask for a publications list.

ACTION-The National Volunteer Agency Drug Prevention Program

1100 Vermont Avenue NW,
Washington, DC 20525
Phone: (202) 634-9108

Grants, contracts, conferences and technical assistance for community-based prevention and education efforts.

American Council for Drug Education

204 Monroe Street, Suite 110
Rockville, MD 20850
Phone: (301) 294-0600

Conferences, media campaigns, newsletter, educational kits, films;

Boy Scouts of America

1325 Walnut Hill Lane
Irving, TX 75038
Phone: (214) 580-2000

Package of information entitled "Drugs: A Deadly Game."

Boys and Girls Clubs of America

771 First Avenue
New York, NY 10017
Phone: (212) 351-5900

Recreational, instrumental and social activities for youth.

Data Center & Clearinghouse for Drugs & Crime

U.S. Department of Justice
Bureau of Justice Statistics
1600 Research Boulevard
Rockville, MD 20850
Phone: (800) 666-3332

Drug enforcement data, information on drug trafficking and illicit drug aspects of crime.

Drug Information & Strategy Clearinghouse

U.S. Department of Housing and Urban Development
Office for Drug-Free Neighborhoods
P.O. Box 6242
Rockville, MD 20850
Phone: (800) 245-2691;
(301) 251-5154

Information about the prevention of drug use and trafficking in public and assisted housing.

Drugs in the Workplace Helpline

U.S. Department of Health and Human Services
National Institute on Drug Abuse
12280 Wilkins Avenue
Rockville, MD 20852
Phone: (800) 843-4971

Technical assistance to businesses, industries and unions wishing to start a comprehensive drug-free workplace program.

Families in Action

2296 Henderson Mill Road
Suite 204
Atlanta, GA 30345
Phone: (404) 934-6364

Drug information center with over 200,000 documents.
Publishes *Drug Abuse Update*.

Just Say No Foundation

1777 North California Boulevard
Walnut Creek, CA 94596
Phone: (800) 258-2766;
(415) 939-6676

Workbooks and guides to establish "Just Say No" clubs.

Resources

continued

Juvenile Justice Clearinghouse

U.S. Department of Justice
Office of Juvenile Justice and
Delinquency Prevention
P.O. Box 6000
Rockville, MD 20850
Phone: (800) 638-8736

OJJDP publications, research findings and program evaluations. Specific services include database searches, referrals, conference support and other juvenile justice products.

Narcotics Education, Inc.

12501 Old Columbia Pike
Silver Spring, MD 20904
Phone: (301) 680-6740;
(800) 548-8700

Drug prevention and education materials for the general public. Catalog of publications available. Publishes *The Winner* and *Listen* for use in schools.

National AIDS Information Clearinghouse Program

U.S. Department of Health
and Human Services
Public Health Service
Centers for Disease Control
P.O. Box 6003
Rockville, MD 20850
Phone: (800) 458-5231

Posters and literature about AIDS and AIDS prevention, including extensive information about AIDS and intravenous

drug abuse. Bulk quantities are available.

National Association of State Alcohol & Drug Abuse Directors

444 North Capitol Street NW.
Suite 520
Washington, DC 20001
Phone: (202) 783-6868

Information on U.S. drug treatment programming and funding.

National Clearinghouse for Alcohol & Drug Information

U.S. Department of Health
and Human Services
Office of Substance Abuse
Prevention
P.O. Box 2345
Rockville, MD 20852
Phone: (301) 468-2600

Data, research and information on alcohol, illicit use of prescriptions and drug abuse. Bulk quantities of information available.

National Crime Prevention Council

1700 K Street NW., 2d Floor
Washington, DC 20006
Phone: (202) 393-7141

Limited number of free documents as well as referrals, statistics, technical assistance and information on crime prevention organizations.

**National Criminal Justice
Reference Service**

U.S. Department of Justice
National Institute of Justice
P.O. Box 6000
Rockville, MD 20850
Phone: (301) 251-5000;
(800) 851-3420

Computerized database of more than 90,000 criminal justice-related information sources. Information specialists are available to search the database or to use other research techniques to answer questions about criminal justice issues.

**National Federation of Parents
for Drug-Free Youth**

1423 North Jefferson
Springfield, MO 65802
Phone: (417) 836-3709;
(800) 554-KIDS

Information and referrals on preventing drug use by children and adolescents. Resource list and training manuals.

**National Federation of State
High School Associations**

P.O. Box 20626
Kansas City, MO 64195
Phone: (816) 464-5400

"TARGET" program designed to cultivate healthy lifestyles among America's youth.

National School Safety Center

16830 Ventura Boulevard
Suite 200
Encino, CA 91436
Phone: (818) 377-6200

Information and technical assistance on school programs

and drugs. Publishes *School Safety*.

**Office for Substance Abuse
Prevention (OSAP)**

U.S. Department of Health
and Human Services
Alcohol, Drug Abuse, and
Mental Health Administration
5600 Fishers Lane
Rockville, MD 20857
Phone: (301) 443-0373

Information and support for community-based prevention programs.

**Parents Resource Institute for
Drug Education (PRIDE)**

50 Hurt Plaza, Suite 210
Atlanta, GA 30303
Phone: (800) 241-2746

Information and referrals for parents, parent groups and youth. Books, videos and slides.

**United States Department of
Education
Office of Drug Education**

400 Maryland Avenue SW.
Washington, DC 20202-4101
Phone: (800) 624-0100

Information on developing the capability of local schools to prevent or reduce drug and alcohol use and associated disruptive behaviors. Training and technical assistance.

Appendix A

Public Housing Agencies

The following public housing agencies have been referenced in this publication:

Albany Housing Authority
4 Lincoln Square
Albany, NY 12202
(518) 445-0711

Atlanta Housing Authority
739 West Peachtree Street NE.
Atlanta, GA 30365
(404) 892-4700

Baltimore City Housing Authority
222 East Saratoga Street
Baltimore, MD 21202
(301) 396-3232

City of Chandler
Community Services Department,
Housing Division
127 North Kingston Street
Chandler, AZ 85225
(602) 963-8183

Chicago Housing Authority
22 West Madison Street
Chicago, IL 60602
(312) 963-8183

Housing Authority of the County
of Contra Costa
P.O. Box 2759
Martinez, CA 94553
(415) 372-0791

Dallas Housing Authority
2525 Lucas Drive
Dallas, TX 75219
(214) 526-8581

Government of the District of
Columbia
Department of Public and Assisted
Housing
1133 North Capitol Street NE.
Washington, DC 20002
(202) 535-1510

El Paso Housing Authority
Box 9895
El Paso, TX 79989
(915) 532-5678

Gloucester Housing Authority
P.O. Box 1599
Gloucester, MA 01931
(508) 281-4770

Housing Authority of the City of
High Point
P.O. Box 1779
High Point, NC 27261
(919) 887-2661

Housing Authority of the City of
Houston
P.O. Box 2971
Houston, TX 77252
(713) 961-1541

Jersey City Housing Authority
400 U.S. Highway 1
Jersey City, NJ 07306
(201) 547-6750

Manchester Housing Authority
198 Hanover Street
Manchester, NH 03104
(603) 624-2100

Public Housing Agencies

continued

Mobile Housing Board P.O. Box 1345 Mobile, AL 36633 (205) 434-2200	Omaha Housing Authority 540 South 27th Street Omaha, NE 68105 (402) 444-6900 TDD (402) 444-6985
Housing Authority of the City of Montgomery 1020 Bell Street Montgomery, AL 36197 (205) 262-7711	Housing Authority of the City of Orlando 300 Reeves Court Orlando, FL 32801 (407) 894-1500
Muskegon Heights Housing Commission 615 East Hovey Avenue Muskegon Heights, MI 49444 (616) 733-2033	City of Phoenix Neighborhood Improvement and Housing Department 920 East Madison Street, Suite D Phoenix, AZ 85034 (602) 262-4924
Housing Authority of the City of New Haven 360 Orange Street New Haven, CT 06509 (203) 773-2800	Housing Authority of the City of Pittsburgh 200 Ross Street Pittsburgh, PA 15219 (412) 456-5000
Housing Authority of New Orleans 918 Carondelet Street New Orleans, LA 70130 (504) 525-0781	St. Louis Housing Authority 1221 Locust Street St. Louis, MO 63103 (314) 531-4770
Newport News Redevelopment and Housing Authority P.O. Box 77 Newport News, VA 23607 (804) 247-9701	San Francisco Housing Authority 440 Turk Street San Francisco, CA 94102 (415) 554-1200
New York City Housing Authority 250 Broadway New York, NY 10007 (212) 306-3453	Somerville Housing Authority 30 Memorial Road Somerville, MA 02145 (617) 625-1152
North Charleston Housing Authority Box 10378 North Charleston, SC 29411 (803) 747-1793	Statesville Housing Authority P.O. Box 187 Statesville, NC 28677 (704) 872-9811
	Housing Authority of the City of Tampa P.O. Box 4766 Tampa, FL 33677 (813) 253-0551
	Waltham Housing Authority 110 Pond Street Waltham, MA 02154 (617) 894-3357

Appendix B

Resident Management Corporations

The following resident management corporations have been referenced in this publication:

Bromley-Heath Resident
Management Corporation
42 Horan Way
Jamaica Plain, MA 02130
(617) 445-8515

Kenilworth-Parkside Resident
Management Corporation
4500 Quarles Street NE.
Washington, DC 20019
(202) 399-8050

A. Harry Moore Tenant
Management Corporation
324 Duncan Avenue
Jersey City, NJ 07306
(201) 547-6691

Appendix C

States for Which There Have Been Positive Due Process Determinations

Types of Eviction Action and Courts to Which Positive Due Process Determination Is Limited*

Forcible entry and detainer action in superior and justice courts.

Forcible entry and detainer action in circuit court.

Unlawful detainer action in superior, municipal and justice courts (not small claims court).

Unlawful detainer action in district court, pursuant to Article 40 of Title 13 of Colo. Rev. Stat.

Summary process action in civil division and housing division of superior court, pursuant to Chapter 832.

Summary civil action for unlawful detainer in landlord tenant branch of superior court, based on tenant's creation or maintenance of threat to health or safety of other tenants or DPAH employees only. Civil ejectment action in regular civil division of superior court.

Eviction action in county courts without using summary procedure.

States and courts for which the HUD Secretary has determined the resident will be given a pre-eviction court hearing providing the basic elements of due process as defined in HUD at 24 CFR 966.53

When the PHA evicts a resident, pursuant to the actions named here and in the courts listed above, the PHA is not required to give the resident the opportunity for an administrative hearing on the eviction or the lease termination. It may evict a public housing resident, pursuant to a decision in such action in the court.

States for Which There Have Been Positive Due Process Determinations

continued

State	Types of Eviction Action and Courts to Which Positive Due Process Determination Is Limited*
Georgia	Dispossessory action in superior and State courts or any court of record subject to Civil Practice Act, except magistrate court.
Idaho	Unlawful detainer action in district court.
Illinois	Detainer action in circuit court under the Forcible Entry and Detainer Statute.
Indiana	Ejectment action in regular civil division (not small claims and misdemeanor divisions) of circuit, superior or county court; or in municipal court of Marion County.
Iowa	Civil action for ejectment, pursuant to I.C.A. 646.
Kansas	Action for rent and possession or forcible detainer in the district court. [Not where plaintiff/PHA files a motion for possession prior to trial, pursuant to Kansas Statutes Annotated 58-2571(d)].
Louisiana	Summary court action for eviction under Louisiana Code of Civil Procedure, including action in district courts or courts of limited jurisdiction (parish, city and justice of the peace courts).
Maryland	Ejectment action in circuit court.

* Actions and courts for which the HUD Secretary has determined the resident will be given a preeviction court hearing providing the basic elements of due process as defined by HUD at 24 CFR 966.53

If the PHA evicts a resident, pursuant to the actions named here and in the courts listed here, the PHA is not required to give the resident the opportunity for an administrative hearing on the eviction or the lease termination. It may evict a public housing resident, pursuant to a decision in such action in the court.

State	Types of Eviction Action and Courts to Which Positive Due Process Determination Is Limited*
Massachusetts	Chapter 239 summary process action in trial courts (superior, district and housing courts). Eviction-based annulment or voiding of lease, pursuant to Chapter 139, section 19, if summary process procedures of Chapter 239 used.
Minnesota	Unlawful detainer proceeding in county or municipal court, pursuant to Chapter 566.
Mississippi	Unlawful entry and detainer in county and circuit courts (not justice courts).
Missouri	Ejectment action in circuit court.
Montana	Action in district court (not unlawful detainer action in justice's court) to recover possession of residential rental property, pursuant to Montana Residential Landlord and Tenant Act of 1977.
Nebraska	Restitution action for possession of real property in county or district court.
New Hampshire	Civil action for ejection and entry in superior court.
New Jersey	Summary dispossess proceedings under N.J. Anti-Eviction Act (L. 1974, c. 49, codified in N.J.S.A. 2A:18-61, 1 et seq.), in special civil part of superior court, law division or in superior court, law division.
New Mexico	Summary action for possession under Uniform Owner-Resident Relations Act in district court (not in magistrate court).
New York	Special proceedings to recover possession of real property under Article 7 of N.Y. Real Property Actions and Proceedings Law and Article 4 of N.Y. Civil Practice Law and Rules in civil, district and supreme courts.

Actions and courts for which the HUD Secretary has determined the resident will be given a preeviction court hearing providing the basic elements of due process as defined by HUD at 24 CFR 966.53

If the PHA evicts a resident, pursuant to the actions named here and in the courts listed here, the PHA is not required to give the resident the opportunity for an administrative hearing on the eviction or the lease termination. It may evict a public housing resident, pursuant to a decision in such action in the court.

States for Which There Have Been Positive Due Process Determinations

continued

State	Types of Eviction Action and Courts to Which Positive Due Process Determination Is Limited*
North Dakota	Action to recover possession of property, pursuant to Chapters 33-06, 32-17 and 47-17 of North Dakota Century Code in district or county court.
Ohio	Eviction action under Forcible Entry and Detainer Statute (Ohio Revised Code, Chapter 1923).
Oregon	Action for recovery of possession of real property in district court where grounds arise from (a) material noncompliance with rental agreement, or (b) tenant obligations stated in Oregon Revised Statute 91.775 which materially affects health or safety, or (c) tenant or someone in tenant's control committing any act which is outrageous in the extreme.
Pennsylvania	Ejectment action.
Rhode Island	Summary process action under Rhode Island Residential Landlord and Tenant Act (Title 34, Chapter 18 of General Laws of Rhode Island) in district court.
South Carolina	Dispossessory action in courts having jurisdiction over eviction actions, including circuit courts and State trial courts (not magistrate courts).

* Actions and courts for which the HUD Secretary has determined the resident will be given a preeviction court hearing providing the basic elements of due process as defined by HUD at 24 CFR 966.53

If the PHA evicts a resident, pursuant to the actions named here and in the courts listed here, the PHA is not required to give the resident the opportunity for an administrative hearing on the eviction or the lease termination. It may evict a public housing resident, pursuant to a decision in such action in the court.

State	Types of Eviction Action and Courts to Which Positive Due Process Determination Is Limited*
South Dakota	Detainer action, pursuant to Article 16 of Title 21 of S.D. Codified Laws Annotated to recover possession of property in circuit court (not in magistrate court).
Tennessee	Unlawful detainer action in circuit court or ejectment action in circuit or chancery court (not in courts of general session), pursuant to Tennessee Rules of Civil Procedure.
Texas	Forcible detainer action in the justice court or a trespass to try title action in the district court.
Utah	Unlawful detainer action in district, circuit and justice courts, pursuant to Utah Code 78-36-8.5. (Not unlawful detainer action in which plaintiff files possession bond before entry of final judgment, pursuant to Utah Code 78-36-8.5.)
Vermont	Ejectment actions in district or superior court, pursuant to Vermont Statutes, Title 9, section 4468, and Vermont Statutes, Title 12, section 4851 et seq.
Virginia	Unlawful detainer action in circuit court (not in general district court).
Washington	Unlawful detainer action in superior court.
Wisconsin	Small claims action for eviction in circuit court under Chapter 799.
Wyoming	Ejectment action in district court, pursuant to Wyoming Statutes, section 1-32-201 to -212 (1977).

* Actions and courts for which the HUD Secretary has determined the resident will be given a preeviction court hearing providing the basic elements of due process as defined by HUD at 24 CFR 966.53

If the PHA evicts a resident, pursuant to the actions named here and in here, the PHA is not required to give the resident the opportunity for an hearing on the eviction or the lease termination. It may evict a public hc pursuant to a decision in such action in the court.

Appendix D

HUD Addresses and Phone Numbers

HUD Headquarters

Highlighted here are the Office of Public and Indian Housing's Office for Drug-Free Neighborhoods, the primary HUD contact point on anti-drug issues, and the Office of Fair Housing and Equal Opportunity, the primary HUD contact point for hearing-impaired persons. Other HUD Central Office contacts have been included in relevant sections of the book.

U.S. Department of Housing and
Urban Development
Office of Public and Indian
Housing
Office for Drug-Free
Neighborhoods
451 Seventh Street SW.
Room 10241
Washington, DC 20410
(202) 708-1197

U.S. Department of Housing and
Urban Development
Office of Fair Housing and Equal
Opportunity
451 Seventh Street SW.
Room 5108
Washington, DC 20410
(202) 708-0836
Voice/TDD (202) 708-0015
Contact: Cheryl Kent, Program
Analyst

For HUD's central office, persons wishing to use the Telecommunications Device for the Deaf (TDD) can also call the HUD locator (202) 708-1971, which will serve as a relay point. The GSA Federal Information Relay Service (800) 877-8339 or (202) 708-9300 (in the Washington, D.C., metropolitan area) can help callers to any Federal office in two ways:

- If a hearing person wants to communicate with a hearing-impaired person, the hearing person calls the relay, whose operator then calls the hearing-impaired person on the TDD and relays the communication.
- If the caller is a hearing-impaired person calling on a TDD, the relay will pass along the message by voice to a hearing person.

HUD Field Offices

Region I

Boston Regional Office
Thomas P. O'Neill Federal
Building
10 Causeway Street
Boston, MA 02222-1092
(617) 565-5234
Voice/TDD (617) 565-5453

HUD Addresses and Phone Numbers

continued

Hartford Office
330 Main Street
Hartford, CT 06106-1860
(203) 240-4522
Voice/TDD (203) 240-4522

Manchester Office
Norris Cotton Federal Building
275 Chestnut Street
Manchester, NH 03101-2487
(603) 666-7681
Voice/TDD (603) 666-7529

Providence Office
Kennedy Plaza
330 John O. Pastore Federal
Building
Providence, RI 02903-1785
(401) 528-5351
Voice/TDD (401) 528-5364

Region II

New York Regional Office
26 Federal Plaza
New York, NY 10278-0068
(212) 264-6500
Voice/TDD (212) 264-3363

Buffalo Office
Lafayette Court
465 Main Street
Buffalo, NY 14203
(716) 846-5755
Voice/TDD (716) 846-5787

Newark Office
Military Park Building
60 Park Place
Newark, NJ 07102-5504
(201) 887-1662

Region III

Philadelphia Regional Office
Liberty Square Building
105 South Seventh Street
Philadelphia, PA 19106-3392
(215) 597-2560
Voice/TDD (215) 597-5564

Baltimore Office
Equitable Building
Third Floor
10 North Calvert Street
Baltimore, MD 21202-1865
(301) 962-2520
Voice/TDD (301) 962-0106

Charleston Office
405 Capitol Street, Suite 708
Charleston, WV 25301-1795
(304) 347-7000
Voice/TDD (304) 347-5332

Pittsburgh Office
Old Post Office Courthouse
Building
Seventh Avenue and Grant Street
Pittsburgh, PA 15219-1906
(412) 644-6428
Voice/TDD (412) 644-5747

Richmond Office
400 North Eighth Street
P.O. Box 10170
Richmond, VA 23240
(804) 771-2721
Voice/TDD (804) 771-2820

Washington, D.C., Office
820 First Street NE.
Washington, DC 20002
(202) 275-9200
Voice/TDD (202) 275-0772

Region IV

Atlanta Regional Office
Richard B. Russell Federal
Building
75 Spring Street SW.
Atlanta, GA 30303-3388
(404) 331-5136
Voice/TDD (404) 331-3036;
(404) 331-0667

Birmingham Office
Beacon Ridge Tower
Suite 300
600 Beacon Parkway West
Birmingham, AL 35209-3144
(205) 731-1617
Voice/TDD (205) 731-1618

Caribbean Office
New San Juan Office Building
159 Carlos E. Chardon Avenue
San Juan, PR 00918-1804
(809) 766-6121

Columbia Office
Strom Thurmond Federal Building
1835-45 Assembly Street
Columbia, SC 29201-2480
(803) 765-5592

Greensboro Office
415 North Edgeworth Street
Greensboro, NC 27401-2107
(919) 333-5361
Voice/TDD (919) 333-5255

Jackson Office
Dr. A.H. McCoy Federal Building
100 West Capitol Street
Jackson, MS 39269-1096
(601) 965-4702
Voice/TDD (601) 965-4171

Jacksonville Office
325 West Adams Street
Jacksonville, FL 32202-4303
(904) 791-2626
Voice/TDD (904) 791-1241

Knoxville Office
John J. Duncan Federal Building
710 Locust Street, 3rd Floor
Knoxville, TN 37902-2526
(615) 549-9384
Voice/TDD (615) 549-9372

Louisville Office
601 West Broadway
P.O. Box 1044
Louisville, KY 40201-1044
(502) 582-5251
Voice/TDD (502) 582-5139

Nashville Office
Suite 200
251 Cumberland Bend Drive
Nashville, TN 37228-1803
(615) 736-5213

Region V

Chicago Regional Office
626 West Jackson Boulevard
Chicago, IL 60606-5601
(312) 353-5680
Voice/TDD (312) 353-5680

Cincinnati Office
Federal Office Building
Room 9002
550 Main Street
Cincinnati, OH 45202-3253
(513) 684-2884

Cleveland Office
One Playhouse Square
1375 Euclid Avenue, Room 420
Cleveland, OH 44114-1670
(216) 522-4058

Columbus Office
200 North High Street
Columbus, OH 43215-2499
(614) 469-5737
Voice/TDD (614) 469-6694

HUD Addresses and Phone Numbers

continued

Detroit Office
Patrick V. McNamara Federal
Building
477 Michigan Avenue
Detroit, MI 48226-2592
(313) 226-7900
Voice/TDD (313) 226-6898

Grand Rapids Office
2922 Fuller Avenue NE.
Grand Rapids, MI 49505-3499
(616) 456-2100
Voice/TDD (616) 456-2100

Indianapolis Office
151 North Delaware Street
Indianapolis, IN 46204-2526
(317) 226-6303
Voice/TDD (317) 269-6066

Milwaukee Office
Henry S. Reuss Federal Plaza
310 West Wisconsin Avenue
Milwaukee, WI 53203-2289
(414) 297-3214
Voice/TDD (414) 297-3123

Minneapolis-St. Paul Office
220 Second Street South
Bridge Place Building
Minneapolis, MN 55401-2195
(612) 370-3000
Voice/TDD (612) 370-3185;
(612) 370-3186

Region VI

Fort Worth Regional Office
1600 Throckmorton
P.O. Box 2905
Fort Worth, TX 76113-2905
(817) 885-5401
Voice/TDD (817) 885-5447

Albuquerque Office
625 Truman Street NE.
Albuquerque, NM 87110-6443
(505) 262-6463
Voice/TDD (505) 262-6463

Houston Office
Norfolk Tower
2211 Norfolk, Suite 200
Houston, TX 77098-4096
(713) 653-3274
Voice/TDD (713) 229-3589

Little Rock Office
Lafayette Building
523 Louisiana, Suite 200
Little Rock, AR 72201-3707
(501) 378-5931
Voice/TDD (501) 378-5931

New Orleans Office
Fisk Federal Building
1661 Canal Street
New Orleans, LA 70112-2887
(504) 589-7200
Voice/TDD (504) 589-7237

Oklahoma City Office
Murray Federal Building
200 NW. Fifth Street
Oklahoma City, OK 73102-3202
(405) 231-4181
Voice/TDD (405) 231-4181

San Antonio Office
Washington Square
800 Dolorosa Street
San Antonio, TX 78207-4563
(512) 229-6800
Voice/TDD (512) 229-6885

Region VII

Kansas City Regional Office
Gateway Tower II
400 State Avenue
Kansas City, KS 66101-2406
(913) 236-2100
Voice/TDD (913) 236-3934

Des Moines Office
Federal Building
210 Walnut Street, Room 259
Des Moines, IA 50309-2155
(515) 284-4512
Voice/TDD (515) 284-4706

Omaha Office
Braiker/Brandeis Building
210 South 16th Street
Omaha, NE 68102-1622
(402) 221-3703
Voice/TDD (402) 221-3703

St. Louis Office
1222 Spruce Street
St. Louis, MO 63103-2836
(314) 539-6560

Region VIII

Denver Regional Office
Executive Tower Building
1405 Curtis Street
Denver, CO 80202-2349
(303) 844-4513
Voice/TDD (303) 844-6158

Region IX

San Francisco Regional Office
Phillip Burton Federal Building
and U.S. Courthouse
450 Golden Gate Avenue
P.O. Box 36003
San Francisco, CA 94102-3448
(415) 556-4752
Voice/TDD (415) 556-8357

Honolulu Office
Room 3318
300 Ala Moana Boulevard
Honolulu, HI 96850-4991
(808) 541-1323

Indian Programs Office, Region IX
One North First Street, Suite 400
Phoenix, AZ 85004-2360
(602) 379-4156

Los Angeles Office
1615 West Olympic Boulevard
Los Angeles, CA 90015-3801
(213) 251-7122
Voice/TDD (213) 251-7038

Phoenix Office
One North First Street, Suite 300
P.O. Box 13468
Phoenix, AZ 85002-3468
(602) 379-4434
Voice/TDD (602) 379-4461

Sacramento Office
777 Twelfth Street, Suite 200
Sacramento, CA 95814-1977
(916) 551-1351
Voice/TDD (916) 551-1367

Region X

Seattle Regional Office
Arcade Plaza Building
1321 Second Avenue
Seattle, WA 98101-2058
(206) 553-5352
Voice/TDD (206) 553-4351

Anchorage Office
222 West Eighth Avenue, #64
Anchorage, AK 99513-7537
(907) 271-4170

Portland Office
Cascade Building
520 Southwest Sixth Avenue
Portland, OR 97204-1596
(503) 326-2561